REPORT

OF THE

COMMITTEE

ON THE

UTILIZATION OF GOVERNMENT LANDS AVAILABLE

IN THE CITY OF SRINAGAR
AND ITS ENVIRONS

OR

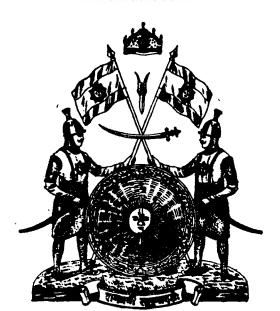
NAZOOL COMMITTEE REPORT.

Vectigalia

nervos

esse

respublicae.



PRINTED AT THE PRATAP PRESS, SRINAGAR.

1991.

CONTENTS

Serial No.	. Subject.							
7	Part A							
	I-Reviews and Orders.							
1	Government Orders on the Nazool Committee Report	i—iii						
2	Hon'ble Revenue Minister's memorandum of recommendations	fv—x						
3	Governor Kashmir's Review on the Report	xi — xx i						
	II.—MAIN REPORT.							
4	Chapter I Introductory	1 2						
5	" II Historical Retrospect	3 9						
6	" III Present Administration of Nazool property	1 0 12						
7	" IV Present condition of the Nazool Records; and the overhauling of Nazool Registers, etc	13— 22						
8	" V Approximate available Government Lands within the City; and the Nazool property at present	23— 34						
9	" VI Estimates of regular income from vacant Government Lands, etc.,	3 5 — 5 0						
10	, VII General recommendations	51 58						
	III.—APPENDICES.							
11	Statements	59—.87						
12	Forms and Registers prescribed	89—110						
	Part B.							
13	Report of the Committee on grant of Land for Building purposes (1915)	1 12						
14	Rules for allotment of Building sites in Srinagar and Gulmarg (1905)	13- 20						
15	Rules for grant of Land in Jammu and Kashmir for Building purposes (1917)	21 30						
16	Rules for grant of Land at Pahalgam and Gulmarg for building purposes (S. 1990	31— 37						



CHAPTER I.

INTRODUCTORY.

The Government appointed a Committee consisting of one Revenue Officer and one Accounts Officer with the following terms of reference: (vule Revenue Department letter No. B. 1775 dated. the 12th September 1982):—

- 1. To go through the files of the Nazool Department and indicate in every case what action should be taken for the increase of revenue by notices to occupiers of Nazool Land, and, if notices are not attended to, by civil suits;
- 2. To examine the records and suggest ways and means of regular recovery of the receipts and of increasing the revenue:

and

3. To completely overhaul the Department.

In a subsequent communication further instructions were laid down (Revenue Department endorsement No. C-11, dated the 1st November 1932)—

- (i). To work out systematically the questions of appropriate rentals to be charged on Nazool areas which have been leased out and about which inadequate rent is charged at present or in some cases no rent is charged at all;
- (ii). To overhaul the Nazool registers;

and

- (iii). To see the files in connection with the acquisition of land in which the award in each individual case has amounted more than Rs. 1,500 and work out for different quarters of the city a schedule of rates paid per kanal which will be helpful in deciding the relevant value attached to land in different quarters of the city and its environs.
- 2. The Committee consisting of Pandit Jialal Koul Jalali, M. A., of the Revenue Department, and Lala Balmokund Varma, Assistant Accounts Officer, commenced work with effect from the 12th of November 1932, in the office of the Governor of Kashmir. The Accounts Officer not being a whole-time Member, the Committee could not meet more than twice a week. Lala Balmokand Verma having proceeded on leave in December 1932, Sardar Mohammed Abdulla Khan Assistant Accounts Officer, worked temporarily as substitute Member till Lala Ram Lal Gupta, M. A., Assistant Accounts Officer, relieved him towards the beginning of January 1933, and continued until the completion of the deliberations of the Committee.
 - 3. The Committee held as many as 17 meetings, and made

34 inspections, as detailed below:—

(a) Meetings:—

1.	Revenue (Special) Officer and Lala Balmokund Varma 1						
2.	"	,,	,,	and S. M. Abdulla Khan	•••	2	
3.	,,	,,	,,	and L. Ramlal Gupta	•••	5	
(b) Inspections:—							
1.	1. Revenue (Special) Officer and L. Balmokund Varma						
2.	"	,,	,,	and L. Ramial Gupta	•••	10	
3.	. ,,,	,,	"	on behalf of the Committee		20	

· Originally meetings were held bi-weekly and proceedings recorded. But later on the necessity of holding frequent meetings was not felt as much of the spade work had to be done, and the whole time member had to attend to the overhauling of records and preparations of necessary data.

- The disinterring of the archives of the Record Rooms, the overhauling of the registers, the constant reference to the Settlement maps and papers, and inspections on spot, have revealed that an immense valuable property has been left practically uncared for. In the past, despite rules and regulations and the injunctions of the Government to utilize the resources to the best advantage, 'influence' was much more a determining factor in the assessment of ground-rent than the desire to give "the Government back its due". The past is irrevocable: the future has to be safeguarded. The aim of the suggestions and recommendations we have made, therefore, has been to bring about efficiency in the Department and to render the business of leasing out available lands profitable to the Government. Throughout our Report we have endeavoured to make plain our conviction that no substantial improvement can be effected, unless the Department is overhauled, reorganized, and run on systematic lines and placed under a responsible officer for exercising effective check and control and supervising and inspecting the property from time to time with a view to create a suitable agency for advertising it. The land available in the city has at the lowest computation been estimated at 9000 kanals and according to the calculations made the net annual recurring income may reach the figure of two lakhs or even more. But the success of all measures designed for the enhancement of revenue must depend upon the creation of conditions favourable to the proper utilization of the Government lands.
- 5. We would, however, emphasize here that the wave of "Pseudo religionism" that has swept over the country is responsible for many an unauthorized encroachment. When graveyards have not been left alone, when every community in the name of religion makes bold to appropriate Government lands in the belief that no force can stop it, it is not improbable that in course of time much of the property shall have become extinct. We have come across a few disputed cases, where Government property is being "usurped" regardless of the Government orders or the entries in the Settlement Records. Unless effective measures are taken, and unless the Revenue Department exercises check and vigilance to put a stop to these undesirable 'misappropriations' in time, it will be too late in the day to cry a halt.

CHAPTER.-II.

The system of land grants for building purposes dates back to the time of His Highness Maharaja Gulab Singh, the founder of the present State of Jammu and Kashmir. The Daftar Dewani might be able to put us in possession of relevant records pertaining to the grants of those early times, but the only instance available at present is that of one Babu Jawahir Lal, who was granted one kanal and thirteen marlas of land at Kothibagh (Srinagar) on an annual ground rent of Rs. 50 chilki (equal to Rs. 31-4-0, which is realised even at present), under an Irshad of Samvat 1912. If the original Irshad or a copy thereof were available, it should have been possible to ascertain the terms of grant; but still the inference is irresistible that land in the city was considered valuable and would not be given free. As no record exists we cannot say what the practice was during the Sikh and Pathan times; but it is certain that land for building residential houses, shops or for commercial purposes was granted on rental basis from the early years of the Dogra rule.

7. As we come to the time of Maharaja Ranbirsingh Ji, we find that properties, such as shops, houses, vacant areas escheated, or forfeited to the Government on account of arrears due from Baqidars of the State, were declared Nazool and brought on a regular register and rented from time to time by the month or the year, or were granted rent free *. The first register was started in Samvat 1935; but the only extant record is a statement of "income from rents on Government "lands and buildings under head, Nazool, under the management of "one Dido Dusali, from Baisakh to Chet 1937". In this statement there are 105 entries consisting of—

	7	Vacant. Rented.		Monthly rent.
				Rs. a. p.
Buildings	•••	20	20	38 8 6
Shops		•••	19	48 4 0
Areas of land claimed)	(un- 	38	8	2 10 0
Total		5 8	47	89 6 6 (Chîlki)

8. The system of regularising the Nazool property became more marked during the reign of His Late Highness Maharaja Pratapsingh Ji. The Registers maintained lists of property, and if any shop, house, or land was rented it was noted therein (vide registers of Samvat 1943,

^{*} But no order is forthcoming as to the conditions and terms of grant.

1951, 1953, 1956)*, but no boundaries or measurements were given, which were a later innovation.

*The register of Samvat 1943 composed of two statements, compiled on 23rd Katik 1943, reads as under:—

I. Total items 287, (although statements wrongly contain 285 and 22 items, while it should be 265 and 22 only) which comprise—

1. Shops	22	Out of whic	h rented	20
2. Bäläkhanas	3	" "	"	3
3. Havelis	79	7.7 23	7.2	8
4. Areas of land	190	Free of rent	79	39) 30)
5. Land under mosque and Temples	es 23			
6. Under Police, Stat Dispensary & School		•••		
7. Thara	1	F	C ented	1

Annual rent ... Rs. 847-13-0 (Zarabi-Nav.)

II.	Havelis	9
	Shops	•••
	Areas of land	
	Rooms on deorhis	

	Rented	6
	"	4
11	,,	7
37	"	5

Rent Rs. 41-15-0	Rent	• • •	Rs.	41-	15-0
------------------	------	-------	-----	-----	------

73.71.71.71.71														
Al	so.		Entries.	Sho	ps rent	ed.		Hot	ases re	nted.	Are	as rent	ed.	
				Nos.	Rs.	a.	p.	Nos.	Rş.	a. p.	Nos.	Rs.	a.	p.
Samvat	1951	• · •	263	14	40	12	3	9	593	6 9	21	305	14	6
"	1953	•••	**272	**153	1426	4	0	7	132	0 0	33	29 5	13	o
23	1956	•••	304		_ 0	o	0	•••	0	0 0	47	1311	15	6

52/Nos. ** Out of it item No. 271 gives total rent for shops and Balakhanas at Maharajgunj numbering 71 shops and 60 Balakhanas Rs. 1356-4-0.

S. 1958—The register simply contains 210 entries, comprising houses 26, vacant areas 129, shops 1, Religious 21, Kothas 3.

There is a recovery register for Samvat 1957, which gives number of lessees of lands and houses as 31 rent-payers for houses with a total of Rs. 791-5-3 and plots, 49 for Rs. 1198-10-6: total Rs. 2189-15-9 (end Chet 1957.)

The present Nazool register is the last edition of the Nazool registers and is based on that of Samvat 1958, 1956 and 1951. From 1959 onwards recovery registers have been maintained year by year.

- 9. In course of time regular registers for recovery of rent were also introduced. In regard to grants of land on rental system no other procedure seems to have been adopted than that the grantee was required to pay the fixed-rent monthly or yearly, as is the case now-a-days with rented shops and buildings. These grants gradually developed into long term leases, but there were no rules prescribed to regulate them. Many of the free-grants as noted in the preceding paragraph (foot-note) disappeared in course of time, as there was no record maintained and only Wasidars from whom recovery of rent was made were transferred every year to the recovery register. As regards land granted on Wasidari terms for building residential houses, the following general conditions, as prescribed in the case of General Kharak Bahadur to whom land measuring 7 kanals and 12 marlas was granted in Bagh Magharmal, vide Irshad dated the 9th Poh 1950, were laid down:—
 - (i) That the Wasidar shall have no right to sell or mortgage the land under the building or attached thereto;
 - (ii) That the Government of His Highness shall be at liberty to resume the land granted after paying for the building; and
 - (iii) That the Wasidar shall not transfer the building except with the previous sanction of the Government.

Although the grantee or Wasidar was bound to abide by the conditions of grant, there was no provision made to meet the contingency arising out the infringement of all or any of the conditions imposed, nor any time limit for such grants was fixed.

10. With the passage of time as the value of land began to rise, as the influx of visitors to Kashmir created a demand for residential houses, shops, etc, the demand for land also became insistent. Gulmarg was a newly discovered sanatorium for Europeans and as every year added to its growing importance, and shops and huts began to rise and developed into regular habitations and bazars for the convenience of the visitors, need was felt for a set of rules to regulate grants of land both in Kashmir and Gulmarg. The Wasidari rules of 1890 A. D. were restricted to Jammu town only, and as such separate rules were required for Srinagar and its environs. Accordingly the State Council sanctioned (vide Resolution No. 8, dated the 7th September 1901) a set of "Rules for the Allotment of Building sites in Srinagar, Gulmarg and Pahalgam". These rules were, however, indefinite in the matter of ground rent, and it depended on the authority sanctioning the grant to fix rent either on its own motion or on the recommendation of the Revenue Department, subject to revision after a period of 20 years. The period of grant was not defined. One main condition was that the applicant was to be granted a plot according to the *class of house to be built on it. In the case of Srinagar and its suburbs area to be granted for each class of house was fixed; but in the case of Gulmarg and Pahalgam only classes of 'houses' were defined, while no area was determined. It was to be done later on.

* I.	Srinagar and its	suburbs.						
	Class A.—Not e				6 per		40	years.
	Class B ,,		$\frac{1}{2}$,,		.2 "		27	"
	Class C.— "	" 2	22	77	8 "	77	27	12
II.	Gulmarg.					•		

that the revision of these rules in view of their indefinite nature was intended from the beginning. While their revision was under consideration, a Wasidari lease form was sanctioned by the Government in January 1904, which required the intending lessee to give a sort of declaration that he would pay ground-rent fixed on due dates; would have no rights of 'Milkiyat' over the area granted; would not sell or mortgage or transfer the area in question except with the permission of the Government. This form seemed to serve the double purpose of an agreement as well as rules under which grants could in general be made. But when the Rules of Samvat 1958, (1901 A. D.) referred to above, already existed, the sanction of a separate lease agreement could not be intelligible, except that it could be considered to be a sort of agreement to be executed by a Wasidar to whom land was granted under the rules of 1901. This view would appear to be far-fetched inasmuch as the lease agreement also embodied conditions independently. The Committee which sat in 1915 A. D. seems to have left out of consideration the rules of Samvat 1958, and taken the rules of 1904 as the original rules whereunder grants were made, as remarked in para 7 (ii) of the Report.

"Since this form of lease was sanctioned, the following grants of land have been made, and they must be regarded as having been made under that form, inasmuch as no other system for grants of land has been in force generally......"

This was perhaps due to the fact that the rules of 1901 were being reconsidered and revised, and were finally replaced by the "Rules for allotment of building sites in Srinagar and Gulmarg," which were sanctioned by the State Council under Resolution No. 2 dated the 16th June 1905.

12. Coming to the revised rules of 1905, it is observed that Pahalgam was omitted from their application, it having been thought desirable not to have another sanatorium in the Valley when Gulmarg was yet capable of extension. Srinagar and Gulmarg alone fell within its purview. The rules were in effect the rules of 1901 revised, and defined in respect of rent, term of lease and areas of plots * for different classes of houses at Gulmarg, which had not been determined in former rules. Renewals after 40 years in the case of lands situated in Srinagar and after 15 years in case of those at Gulmarg for a further period not exceeding 20 and 10 years respectively, could be made at the option of the lessee. Rule 24 provided that ground-rent "shall not be liable to revision within the period of the lease "unless such revision was rendered necessary by the quality of the "land having been injuriously affected by the action of water or "other calamity or cause which it was not in the power of the lessee "to prevent."

"Provided always that in the case of a lease for a term of "40 years it shall be competent to His Highness the Maharaja in Council, "to order a revision of the ground rent on the expiry of the period of "20 years from the date of such lease, provided that the enhancement, "if any, of the ground rent on such revision shall after making due al-"lowances for all the circumstances of the case not exceed 50 per "cent of the ground rent originally fixed in the lease". If the rules of 1905 were in main the rules of 1901 revised, it is safe to presume that the rules in existence between 1901 and 1905 were those of Samvat 1958 which could regulate the grants of land for building purposes, even though rent were to be determined according to the

^{*}See Foot note on preceding page.

merits of each case. One thing more shall be noticed with marked interest that both the sets of rules of 1901 and 1905 regulated grant of land for building houses, which meant houses for purposes of residence, and did not apply to allotments of land for factories, shops and other buildings for commercial purposes, which were to be separately disposed of by His Highness the Maharaja in Council each on its own merits.

- 1, Chief Minister.
- 2. Revenue Minister.
- 3, Home Minister.
- 4. Judge High Court.
- 5. Quarter Master General.
- 6 Military Secretary to His Highness.
- 7. Governor of Kashmir.
- 8. President, Srinagar Municipality.

The rules of 1905 were subsequently found to have been made applicable to a "small specified area" in Srinagar, now known as "plotted area". Despite their existence no definite principles were followed anywhere on which sites for building purposes were granted, and the Government of His Highnes appointed a Committee consisting of the marginal ly noted officers to go into the whole question of land grants and submit proposals for the orders of His Highness, (vide order dated the 29th May 1915).

The Committee observed that there was no uniform system obtaining in the State for grant of land for building purposes, and the various systems in force were in various respects defective: the authorities which could sanction grants differed in different places; no provision was made in leases for enhancement of rent as circumstances changed so that the grants made, amounted, in effect, to grants in perpetuity on the rents originally fixed valuable lands were occasionally given away rent free, or at low rates of rent for want of detailed rules, and there was a total lack of settled procedure. "It was strongly felt sometime ago that "such rules, as existed, stood in imperative need of revision, inasmuch "as, the circumstances had considerably changed since they were first "introduced; the value of land had risen considerably and suitable "sites had become scarce, so that the Durbar was not adquately com-"pensated for the lands that it had granted". The Committee accordingly discussed all the existing rules, both in Jammu and Kashmir, and with a view to provide for a better return from the lands the Government would grant or had granted, framed a revised set of rules, which in the main followed the rules of 1905 but in major respects amplified and developed the conditions of grant, rents on Ground-rents were only raised initial grants and on renewals, etc. by 50 per cent, and the class conditions were abolished as also the condition regarding quality, description and situation of the land. The higher and lower limits were fixed, and the rent was levied according to the extent of area wanted. The principle adopted was that "if a larger area than what is necessary for a decent house "is applied for, the applicant should be prepared to pay a higher "rate of rent for it". Recommendations for levy of rent, on areas granted to Wasidars free of ground-rent, on the death of original grantee were made. The application of the rules was extended to main * towns both in Kashmir and Jammu, and all past grants were brought

Kashmir.

- (i) Srinagar and its neighbourhood within a radius of 10 miles.
- (ii) Baramulla,
- (iii) Sopore.

*

- (iv) Bandipur.
- (v) Anantnag.
- (vi) Bijbehara.
- vii) Muzaffarabad.

Jammu.

- (i) Jammu and its neighbourhood within a radius of 5 miles from Puran Mandi.
- (ii) Udhampur.
- (iii) Mirpur.

within its purview, while Gulmarg remained unaffected. The promulgation of these rules cancelled all other previous rules in force, and since then grants are stated to have virtually been made under them. But no definite provision as to the allotment of land for factories, shops or buildings for commercial purposes, was made in the rules; though rule 36 provided that the Wasidar could not without permission of His Highness "use the land under these rules or the buildings built "thereupon for any purpose other than that specified in the lease as "a temporary or permanent arrangement". So it is a safe presumption that these rules of 1915 also were intended to regulate the grant of sites for building residential houses, and that grants for commercial purposes were to be decided on the individual merits of each case. One further improvement was made, and it was the prescription of a Wasidari lease form, which every grantee was required to fill on the grant of a particular plot of land as a token of his declaration to abide by and conform to all the provisions of the rules.

SECTION.-2.

- 15. About a decade had elapsed since the recommendations of the Committee of 1915 had been accepted and the rules framed thereunder passed into law—the latter were promulgated as Ailan 10 dated the 7th Bhadoon 1976, while the former had remained unpublished till 1979, and were subsequently promulgated as Ailan 27 dated the 28th Magh 1979—but no action whatsoever was taken in accordance with the recommendations during this long period. In Samvat 1982 the them Revenue Minister, Major-General Rai Bahadur Janak Singh, c. i. E., however, issued detailed instructions to both the Governors of Jammur and Kashmir with a view to collect information in respect of each grantee as to the area originally granted, area held in excess, ground rent if revised, transfers or mortgages if any made, successors-in-interest, arrears accumulated, and so on (vide letter dated the 21st Assuj 1982). But despite a lapse of seven years no practical step was taken in the matter.
- 16. As encroachments on Government vacant lands became a matter of frequent occurrence, the matter was brought by the Srinagar Municipality to the notice of the then Foreign and Political Minister, an on his recommendation a Committee consisting of Officers noted in the margin was appointed to investigate the matter (orders of the
- 1. Governor of Kashmir.
- 2. President, Srinagar Municipality.
- 3. Special Land Acquisition Officer.
- Cabinet No. 3181, dated the 4th March 1931). The Committee 'summarily' disposed of the task allotted to it. On the 21st of March 1931 a general report was made remarking on the unsatisfactory condition of the Nazool registers and records, as under:—
- "Nazool lands are scattered over the whole city. Some small pieces of the (Nazool) land have been leased on ground rent in the past and some are lying vacant. During the past Settlements of the city no attempt seems to have been made to prepare a separate map of this valuable Government property or to distinguish this property from other lands recorded as Abadideh, in the Settlement papers. The register of Nazool lands maintained in the Tehsil by the Darogha Nazool has not been brought up to date and complete entries of all 'Khalsa' Nazool plots in the Srinagar city have not been made therein. The register therefore is quite incomplete and unreliable. Rules and regulations framed from time to time to remedy certain inherent defects and irregularities have not been strictly followed and adhered to"

The Committee, therefore, in view of the "chaotic condition" of Nazool records considered it imperative not only to go into the question of encroachments, but to be empowered to investigate all the past grants of Nazool areas to bring the records upto date in accordance with rules and orders on the subject and organize the Nazool Department on a satisfactory basis. To be able to correctly estimate and demarcate the encroachments made, the Committee proposed to have the Nazool areas measured and a map prepared, and for this purpose wanted to entertain a field staff and an office which was to cost about Rs. 5,500 for a year. Meanwhile the post of Land Acquisition Officer was abolished, no provision of funds for the purpose was made, and the proposals of the Committee were shelved for ever and a day.

The unsatisfactory state of affairs, which was to be remedied by the Committee of 1931, could not but go from bad to worse. Lamentable lack of supervision, chronic irresponsibility on the part of the officers supposed to be in charge of the matters, accumulation of arrears of ground-rent, disposal of valuable Government property at comparatively low and ridiculous rates of rent, the 'delegation' of the virtual authority relating to Nazool matters to the Darogha and his peon—who are stated to have gone abegging for the annual recovery of rent, not un-often meeting with rebuffs and refusals and complaints to boot—the ruthless delay in the disposal of applications for fresh grants, the habitual postponements in complaints about encroachments on Government lands: all contributed to the disgraceful oblivion to which the Department with its tattered records was consigned, and to wasting of the assets of the Government, subjecting most valuable the whims and fancies of the authority in power. The man of influence succeeded in wresting a plot for his use at nominal rates of rent even though better offers were forthcoming, or could be secured with a little of interest. Financial stringency tightened the purse strings of the Government, and the Retrenchment Committee was shocked to behold the laxity of supervision "which rendered it possible for an occupier "of Nazool land to avoid the payment of ground rent or resumption of "land for a period of 15 years or more", and withholding the sheares recommended, on the other hand, the placing of the Department under the Governor for its proper management, and the appointment of the present Committee to overhaul it.

CHAPTER III.

- 18. Nazool is a "peregrine" term. The earliest reference is to be found in the register of Samvat 1935, wherein property unclaimed, heirless or intestate, escheated to Government or forfeited in lieu of Government arrears due from Baqidars was entered. In order to see what significance the term has in other British Indian Provinces or Indian States and how such property is administered there, the following information was collected.
- 19. In the Punjab, Nazool is ordinarily held to signify etymologically the property which has descended to the Government as the successor of former Governments, or by escheats, or by failure of heirs to previous proprietors. According to Circular No. 77 dated the 14th May 1849, "all houses, gardens, rents of Jagirs, and ground rents paid to Government by the occupiers of sites within towns" were included under the head Nazool property. The definition given in 1877 was that it consisted of "lands and houses in the immediate neighbourhood of a town which have come into the hands of Government, and which are not distinctly connected with a mahal or estate, and which cannot be deemed to belong to land revenue proper; or escheats of gardens, lands, or buildings belonging to late Governments comprised in the limits of a town or municipality" (Letter No. 434 dated the 20th February 1877). The more modern definition of the term is that it "means lands and buildings, the property of Government situated "within the limits of a municipality, notified area or small town, not "being a colony town. It also includes encamping grounds, serais, tanks, "wells, burial grounds, and other property of a non-agricultural character "not being in Departmental charge, wherever situated;" and has further been elucidated as under—
 - "All land whether shown in the revenue records or not inside a municipality, notified area, or small town (other than a colony town) is Nazool whether agricultural or not, but no agricultural land or shares in wells or other land shown in the revenue records or part of a village site outside such limits is Nazool".— Punjab Circular No. 27, dated the 1st May 1928 (reprinted).
- 20. According to the definition in the United provinces, Nazool means any land or building which being the property of the Government, is not administered as a State property under the control of the Board of Revenue or the Forest or the Canal Department, or is not under the control of the Military, Postal, Telegraph, Railway or other purely Imperial Department—(Collector of Allahabad's letter No. 1310, dated the 17th February 1933. In Madras, Nazool means quit-rent and Nazool properties are held in absolute ownership subject to the payment of quit-rent. The term is not used officially. "The only quit-rent properties "are those in Madras city of which the fixed and immutable quit-rent "was settled many years ago and is supposed to represent the commuted "money value of the Government share of the produce on the land. Now-"a-days any land granted for private use is assessed to ground rent revis-"able every ten years and this ground rent is based on the actual free-"hold value of the land. It is so regulated that the initial amount to be "paid for the occupancy right shall be small and the annual ground rent "payment as large as possible"—, Collector of Chingleput and Madras

letter No. 480/33, dated 27th February 1933 and letter No. 1111/33, dated the 25th March 1933).††

In Kashmir the definition follows that of the Punjab, inasmuch as all land "inside Municipality, notified area or small town, is Nazool whether agricultural or not". In the Punjab the Nazool property is generally administered by the Revenue Department-there are some properties which are in the charge of local bodies—and the head of the Department responsible for it is the Commissioner; while in United Provinces the Municipality or District Board manages the property as laid down in Manual of Government orders, Paras 1803-1814. far as the property in the State is concerned, it is administered by the Revenue Department, for it mainly includes Khalsa land, vacant areas, buildings, gardens which as a rule belong to the Government and not to a local body, and the Revenue Department is vested with powers to administer it in accordance with rules and regulations in force and promulgated from time to time. This view is corroborated by the fact that at times the Government acquires land from Assamis and remits revenue assessed thereon; and there are a number of instances in which the State Government acquired lands, remitted revenue on them and paid due compensation for structures, etc. standing thereon, and then leased them out for building purposes. Properties which are, however, transferred by an order of the Government to a local body, a municipality of a notified area, in the city of Srinagar or any of the district towns, should be administered by that body, and the Revenue Department should have no hand in such properties.

SECTION--2.

The Nazool Department is practically speaking a branch of the Tahsil office, Srinagar, with the Darogha Nazool and his peon incharge thereof. He maintains two registers, his vade mecum, -the one a register of grants which is an old edition of its hoary ancestors; and the other a yearly edition of the rents and recoveries register, the present one being a faithful copy of its predecessors. The register of grants, with all its defects, is the only authority relating to grants of land. with due references to orders of sanction, amendment or removal, rates of ground rent, and names of Wasidars. It is not free from unauthorised additions, mutilations, erasures, but so long as a new one duly corrected, checked and verified is not prepared, is the only uptodate record of Nazool property and grants. The annual recoveries registers deposited in the Revenue Record Room from year to year have been prepared from the register of grants, and so far as rents and areas go, are a duplicate copy thereof. The Darogha Nazool is further provided with a Receipt Book and an Arzirsal. There is no cash register for the maintenance of daily accounts to show daily receipts and remittances. Tahsil Wasilbaqinavis maintains another copy of the Recovery register and the amounts received are entered in the register against the Wasidars from whom they are realized, and then remitted into the Treasury under an "Arz-Irsal., The Wasilbaqinavis copies the entries, and brings his

^{††} Since the writing of the above following information regarding the subject has been received from the Revenue Department of the Government of His Exalted Highness the Nizam of Hyderabad—

[&]quot;Nazool, which is also called 'quit-rent', is generally charged on lands where buildings already stand or which are assigned by Government or the Local Fund Department for the construction of buildings in accordance with the scale of rates to be prescribed by the Government." (Letter No. 56 dated the 30th March 1933).

register in line with the one maintained by the Darogha. It is impossible to say at a glance how much has been received during a particular month, unless all the items are gone through and entries of that month separately totalled. There is no check or supervision, and it is only the occasional visit of the Audit office that checks the receipts and remittances. The Darogha issues receipts and remits the money into the Treasury under his own signature.

- 23. There is practically no record with the Darogha Nazool, and if there are any files they are hopeless. Under the procedure in vogue for grant of land the Niabat office is the outer court of the purgatory through which a file has to pass and it not unoften takes sufficiently long time to fulfil the preliminaries before action is taken. When it has crossed on to the Tahsil, the Wazarat, and step by step progressed up the ladder and been finally admitted and sanctioned, the Darogha on its way back records the sanction with particulars of land, rent, etc., in his register. When this is done the file is consigned to records.
- 24. Complaints about encroachments on Government land are referred to the Niabat, and if the Darogha is asked to go on spot and report, he does not lag behind in making the customary report. Action is then taken under the law, but unfortunately the processes are so involved that it becomes difficult for the sprocket to get disengaged from the links of the routine chain. We called for the files from the subordinate revenue offices, and found that 168 files for grant of land involving 514 kanals, 3 marlas, 9 feet were pending in the Tahsil and Niabat, and that 544 encroachment files involving 284 kanals 19 marlas and 240 feet met the inevitable fate of tarikh-gardam. Is it not shocking that files should be pending since Samvat 1966, so much so that a plot of land reported to have been applied for to be leased out on rent at one time is found to have been encroached upon later, and the third time action is proposed to be taken the same applicant springs up and demands a certificate of possession from the Revenue Department? Unless the processes are simplified, unless some one is made responsible to see that Government property is not allowed to "languish," unless the machinary is sped up to dispose of these cases, it is impossible for the Government to expect any increase in revenue from their lands in the city or its environs.

CHAPTER IV.

25. It has been a very difficult task to overhaul the register of The existing register had to be compared with Statements and registers of grants and recoveries since Samvat 1937, with the appendices to the Report of 1915, and item by item transcribed on a new register. Where measurements were not given or recorded in any of the registers, present measurements were taken and adopted on verification on spot after due enquiry. The register of grants has thus been brought upto date in accordance with the material and information available. Wasidars whose lands had either been resumed by the Government or acquired *by the Municipality for road widening purposes and were still shown as in possession of those lands, were expunged, as also those whose lands were disputed and the court had proved their title to a private person. Further Wasidars who were shown in the register as in possession of a particular site or area but on enquiry and verification on spot were found not to be in possession thereof, were struck off the registers together with the arrears needlessly shown against them. The case of a Wasidar Mohammad Shaban deserves special mention. The file of the case which is pending since Samvat 1984 showed that the grant of an area of land measuring 240 square feet at Drugjan on an annual ground rent of Rs. 100 was sanctioned in favour of the Wasidar on 23rd Har 1984, and that possession was taken by him on 31st Bhadon 1984. But the voluminous pages told a lamentable tale that upto the present moment the Wasidar could neither get actual possession nor be permitted either by the Municipality or the Irrigation Department to occupy it. The site of the plot is the terminus of the old Drugjan and new Boulevard road. Before the construction of the Boulevard road the site in question bordered the Murshi Bagh Nallah and there were a few trees standing on it claimed by the Irrigation Department. The Department was stated to have stopped the Wasidar from occupying this comparatively unimportant site and it is not free from doubt that the efforts of the Wasidar were rewarded in having secured exemption from a heavy charge. The site is now enclosed by the two roads, and the small space of 240 sq. feet could make practically no difference so long as the long row of houses was allowed to stand. Over Rs. 500 had accumulated as arrears against the Wasidar. He was summoned and his statement was recorded. He expressed his willingness to pay the rent of Rs. 100 if he were given the possession. Accordingly the Municipality and the Public Works Department were addressed to intimate their agreement for the Government could ill-afford to lose Rs. 100 for this small area of less than one Marla. The plot in question would be considered to have been leased out afresh from the date possession, if at all, is given to the Wasidar.

- 26. Statements of such resumptions, acquisitions, etc. are given in Appendices. A statement of Wasidars from Samvat 1957 to Samvat 1958-89 has been prepared to show the relative increase from time to time in their number. (Appendix 'C'). The statement shows that the number has increased from 81 to 446, and with revisions it has now gone up to 453 out of whom 30 Wasidars have been omitted for the reasons given against each. In cases where one number included more than one Wasidar, it had to be broken up and Wasidars for each of the plots possessed by them entered separately in the register.
- 27. The register of grants is composed of grants made both within and without the Municipal limits of Srinagar. The present register contains 854 entries. Out of them 365 are shown as Wasidars within Srinagar; 81 as cutside its limits, composed of grantees from villages

included in Tahsil Khas such as Shalmar, Ganderbal, Sonemarg, Vailu, etc., etc. 300 items have been transferred to a register with a view to keep a record of areas as were at one time or the other declared to be Nazool or Government Khalsa. The remaining 98 entries have been shown as 'Kharij', to be struck off the registers as having been transferred to the Municipality, or declared as private property, or brought under road or given by way of compensation or in exchange.

- The list was carefully revised and brought upto date; the names of those Wasidars who had not been brought on the registers before, while grants had been sanctioned in their favour and they had taken possession of the lands leased out to them, were included. A new register *has been prescribed, which will do away with the necessity of maintaining the present mutilated and defaced register. All future grants will be entered in the new register, and it will be a ledger of Wasidars. Attempt was made to arrange the Wasidars according to locality of the site granted, but this might not be possible with future grants†. Further, names of Wasidars whose lands are situated in the Badamibagh Cantonment area and are proposed to be resumed were omitted from the new register, as the papers relating to computation of compensation for trees standing, structures constructed or improvements made are pending in the subordinate Revenue offices. A statement about the land in their possession, annual rent levied, arrears outstanding, is given in Appendix 'D'. The register will not distinguish between special and ordinary grants because columns have been provided to indicate the term of lease as also the date of its termination. A column has also been provided for the 'class of site'. The object is to put down against a particular site the class owing to the importance of the locality, business conditions, demand, etc. under which it may be categorised and as such be subject to minimum rate of rent for that class even if better rates are not possible. The classes have been discussed in Chapter VI. There will be two parts of this register—part A, will record Wasidars within the Municipal limits of Srinagar; part B, those without the city limits. If any other Tehsil is included in the activities of the Nazool Department a separate register on the same prescribed form will be maintained.
- 29. In the existing register there are entries in which no date of possession is recorded against the name of Wasidars. The date of sanction shall be taken as the date of commencement of lease except of course where the Wasidar can prove that possession was taken on a particular date. The only difficulty was about the Khasra No. of a plot granted to a Wasidar. Where Settlement records helped, the No. was filled in; but where it was not possible, the Patwaris were advised to record the Khasra Nos. of such sites, while conducting measurements of Wasidari and unregistered vacant plots; and the Darogha was instructed to fill in the numbers as soon as the Patwaris provided the requisite information. In future this would invariably be done, and if no Khasra Nos. were recorded in the past, it was due to the inherent defect in the register of grants as it provided no such column.
- 30. There was no uniform system of recording areas of plots granted to Wasidars. Acres, Kanals, Marlas, Purnis, Dastas, Sirsais, Yards, Girrahs, feet, and inches all played their role in the field of measurement. Although totals of the areas granted so far were made in all the units given in the registers it was considered not only convenient and easy but also desirable to convert them into one uniform system. The Settlement papers record Kanals, Marlas and Sirsais, and ordinarily this system should have been adopted. But in view of the fact that city lands are very important and are given away in square feet, where very

^{*} Appendix 'L.' † To solve the difficulty a Register of Index to names of Wasidars has been prescribed, Appendix 'P'.

small areas are concerned, the unit of measurement was simplified, and Kanals, Marlas and feet only adopted—Dastas, Yards, Girrahs and Sirsais being replaced by feet, and *Purns* by Marlas. The register of grants was accordingly revised and areas entered against the names of Wasidars were corrected to the nearest square foot, square inches being altogether omitted from calculation.

- 31. The inference is irresistable that the adoption of this simplified unit of measurement (starting with feet, and 272 \(^1/\)_4 square feet make one marla) will invariably affect all Wasidari grants and when remeasurement is complete, the statements furnished by Patwaris must reveal excesses in the case of one and all, in addition to the encroachments made.
- At the time the Nazool Committee commenced its deliberations the recovery register revealed an enormous sum as arrears outstanding against Wasidars. It was found that the Wasidars had, perhaps, forgotten that they had an obligation, a liability, and the circumstances seemed to conspire in their favour, inasmuch no demand having been made, the arrears accumulated hopelessly in the case of more than one grantee. Out of 365 Wasidars recorded in the registers-excepting those who have not as yet been included, 255 were in arrears in Srinagar; while outside, arrears were outstanding against 69 out of 81 grantees; or in other words 70 and 85 per cent of the Wasidars had not paid their dues, which ranged in arrears from one to 18 years. In a notable case* Rs. 8986-12-7 had been allowed to accumulate although it has been pending for several years past in the subordinate Revenue offices. First the register was brought upto date. Unnecessary arrears shown were struck out: for instance in the case of Wasidars whose plots had been acquired while the Nazool Department having no information to that effect had continued to add annually to the 'toll" even though resumption had been made several years ago. Files of such cases were called for and corrections accordingly made. A statement of arrears thus written off is given in Appendices A and B. Further, in the case of several Wasidars arrears shown at the rate of ground rent originally assessed were corrected in the light of subsequent orders. For example, a sum of Rs. 1551-4-9 was calculated against the late Dr. Rupnarain, but in view of the Government orders of the 5th April 1932, the amount reduced to Rs. 467-14-0 from the date of possession upto end of Assuj 1989.

33. Another remarkable case was brought to our notice by the

			Κ.	М.	Darogha Nazool. In
١.	P Premnath, R. B Narsinghgarh	•••	14	6	1901 the marginally
	Qazi Mohammed Aslam Khan, Zithiar		80		noted Wasidars had
3.	P. Manoharlal Son of P. Girdharilal, Zithiar			6	been granted lands in
	P. Manoharlal Kichla, Zithiar			12	Zithiar & Lalmandi:
5.	P. Prithinath son of P. Beharilal, Zithiar	•••	50	6	
6	P. Girdharilal. Zithiar.	•••	45	9	assessment of rent
7.	D. Dayakishen Koul, Lalmandi	•••	31	16	being made at very
					low rates the grants

were held under objection till the question of rent was finally decided in 1916, and the rate of Rs. 16 per acre in the case of No. 1, and Rs.8 per acre in the case of Nos. 2, 3, 4. 5 & 6, was sanctioned on condition that the areas in question would be considered to have been leased from the original date of grant, while rent would be charged from the date of His Highness, sanction, (vide Chief Minister's letter No. 6387 dated the

^{*} The Wasidar contended that on an area of 3 K. & 10 M. rent at the uniform rate of Rs. 12 a Marla was excessive and that the area built upon only might be assessed at such a high rate and that a different rate charged for the vacant area. The Honourable Revenue Minister's orders have since been received to the effect that arrangements for recovery of the arrears by sale and distress of the Wasidar's property in Srinagar be made: vide letter No. D—1733, dated 9th March 1933.

8th January 1916). As for No. 7, it might be taken to be a free-grant subject to the same conditions as other free-grants are, provided no special terms have been imposed in this case.

34. A period of over 17 years has elapsed since the order fixing the rates of rent was passed, but so far neither any notice is found to have been given to the original grantees or their successors-in-interest, nor any demand made from them. Calculations were accordingly made, and notices served on these Wasidars.

The following statement of arrears due from these Wasidars from the date of order to end of Chet Samvat 1989, is self-explicit:—

		K.	M,	Rate per acre.	Annual rent due.		Arrears upto end of Chet.		
				Rs,	Rs.	a. p.	Rs.	— — а.	p.
1. P. Premnath		14	6	16	28	10 0	494	10	0
2. Q. Mohamad Aslam		80	17	8	80	13 9	1,396	8	0
3. P. Manoharlal Kichlu	• • •	31	12	Do ,	31	9 9	545	15	0
4. P. Manoharlal Son Girdharilal	of 	38	6	Do,	38	4 0	661	6	9
5. P. Behari Lal	• • •	50	6	Do.	50	4 9	868	10	9
6. Pt. Girdharilal	•••	45	9	Do,	45	7 0	7 85	9	0
Total	•••	260	16	721	275	2 3	4752	11	6

The names of these Wasidars have to be recorded in the new register.

35. The Darogha calculated arrears in the case of all Wasidars—except, of course, in regard to Special grants—upto end of S. 1988—89, and in future recoveries shall be made from Katik to Assuj every year. A sum of about 28,000 rupees having been calculated as arrears, a Notification was issued in the Government Gazette, and for the convenience of Wasidars separate notices also were sent, enjoining on all to clear their outstandings within a period of one month, (Appendix E). Upto 15th Chet 1989, Rs. 3,709-11-6 were realised, and after due exemptions and remissions, a sum of Rs. 23,685-2-7 is still outstanding as arrears.†

MILO I CILLEDIONIC, OF THE T		÷ . =	outstanding ap all cars.
	Recoveries. Rs. a. p.	Outstandings. Rs. a. p.	The huge sum of Rs.8,986-12-7 outstanding against the late Wazir
			Lachman & Rs. 4752-11-6
1. Within the Municipal limits	3,646-14-6	19,859-12- 9	against six Wasidars
2. Outside Municipal limits	62-13-0	510- 3-10	noted in the last paragraph, form $58^{\circ}/_{\circ}$ of the
3, Cantonment Wasidars	•••	3,315- 2- 0	arrears. As for Cantonment Wasidars, only
Total	3,709-11-6	23,685- 2 -7	three had regularly paid the rent uptodate: others

had with-held payment although orders prohibiting construction of buildings in the Cantonment Area were equally applicable to all of them.

[†] A Statement of Wasidars against whom arrears for 3 years and more are outtanding is given in Appendix "EE".

On enquiry it transpired that the Wasidars did not abstain from deriving as much profit as was possible under the circumstances, which in majority of cases exceeded the amount of annual ground rent. It was considered proper not to transfer them to the new Registers, but keep a note that when the question of the resumption of their plots is decided and compensation due to each Wasidar awarded, the arrears outstanding should be the first charge on the compensation money.*

- 36. There is another instance of heavy arrears due from one Bhagat Isherdas. A sum of Rs. 1,003-1-0 had been calculated upto end S. 1988—89 against him due on a plot measuring 32 Kanals on Gupkar road. Out of this plot some 10 Kanals were reported to have been transferred to Dr. Mathra Das on an annual rent of Rs. 28, who has constructed a house on it. A notice was also sent to the original Wasidar. It seems that as the plot in possession of Bhagat Isher Das is proposed to be resumed, the Wasidar has deliberately adopted a silence out of which he could have been roused by issue of a Notice in the past. It is not known whether there is any intention of resuming the plot. If there be, we would suggest that award should properly be made, and not as heedlessly as in the past when fabulous computations awarded Rs. 1,000 as compensation for a Dasta (69 sq. ft.) of land acquired in Amirakadal.
- 37. A new form for Recovery register has been prescribed and a column has been provided for cross reference to the Cash Register. There being no register for daily receipts and remittances, a form for the same was prescribed and entries incorporated in it since 1st Katik 1989 for the year S. 1989—90. In the cash register also a column for cross reference to Recovery register has been provided, so that in future proper check may be exercised in the matter of receipts and recoveries. Further, the Receipt form for payments received was revised; and it is believed that with these necessary precautions the possibility of any misappropriation and embezzlement would become farfetched. (Appendices M, N & O).
- 38. The recovery register for S. 1989—90 was prepared after making all necessary corrections, alterations and additions. For the future this would form the exact record of arrears outstanding, annual ground rent, half-yearly instalments, with proper references to General register of grants and Cash register. The procedure of maintaining accounts will be as obtaining in other Departments. The Darogha or the Accountant will as usual issue receipts for payments made by Wasidars, enter the same in the Cash register, and when the accounts for the day are closed, total them up and remit the amount to the Treasury with Arz-Irsal. When the Treasury has given necessary receipt, he will fill in the appropriate column reference to Treasury Receipt, giving No. and date. Thus the Cash register will be kept upto date, and the Officer-incharge will be able to vouch for the correctness of the entries without apprehension.
- 39. In order to maintain an exact record of Settlement papers about khalsa and vacant abadi-deh plots the Patwaris were placed on duty to copy out the jamabandi entries of the latest Settlement. While compiling the records it was observed that not in a few cases entries recorded in the last Settlement differed from those in earlier Settlements, so much so that plots which were shown banjar-qadim or khalsa, had been recorded in the last Settlement as abadi-deh, or entered in the name of some individual as his 'Haq-Assami'. Much as we should have liked to unravel the involuted skein, we considered that the Nazool Department could do such a voluminous task in course of time with due care and

^{*} A general Statement of remissions, and net arrears is given in Appendix "K.K."

precision. Therefore, on the basis of the latest record, separate registers were got prepared. Khasra No. by Khasra No. for different halqas of the city of Srinagar both for khalsa and abadi deh; so that the Nazool department will not have to refer in future to the busy Patwari every time application for grant of land is received. The record would be complete if shajra of these halqas and unregistered vacant plots also were made.

- Inspections on spot have made abundantly clear, that private persons, religious bodies and institutions have freely encroached on Government land; and if exact maps are prepared, the enormous extent to which encroachments have been made in the city would be revealed. It is not easy to check encroachments, when in the Settlement papers the entry 'abadi-deh' huddles together houses, compounds, gharbaris, vacant spaces, in one Khasra No. It is only the present condition of the vacant plot, which we call for purpose of facility, 'uftada' that to some extent helps in the determination of its nature, otherwise it is well-nigh impossible to differentiate when there are no records to so mark it out. People have usurped the vacant spaces, have enclosed them and have legalised their unauthorised possession by erecting houses with the permission of the Municipality. It would launch the Department into a whirl of litigation if each such case were unearthed, and it is not improbable that the delving out of the graves might only result in another public out-cry. Further, action might be barred by limitation, but if the long past is left uncured, the future must be protected by preventive measures, for prevention is better than cure. We have come to the conclusion, that if the whole city were resettled it would pay in the long run. * At present the Settlement entries do not make it clear whether a particular site belongs to a particular person or not; and if to-morrow some one questioned the right of the individual to this very plot it would be difficult for the Department to prove its title by reference to the same Settlement records. The Settlement in the city was conducted on the same lines as in the villages, where changes do not so often take The city required a minuter detail, but that is wanting all place. through.
- 41. In regard to the work of re-measurement of Khalsa, abadi and encroachments, the Patwaris were instructed to omit whole numbers, their areas being already recorded in the Settlement papers; and only measure such areas as had been occupied or could not be distinguished because of their smallness from given khasra Nos. unless specially marked out. During our inspections we found very small areas of half a marla or even less—which owing to their contiguity to a private house garden or compound are sure to lose their existence in course of time unless prevented from disappearance††—scattered throughout the city, and their value could only be judged from the demand for them. When we referred to the nearest neighbour and enquired of him if he was prepared to take a particular area on rent he showed his willingness to a degree that assured us of a decent rate being offered for it, if granted. As for encroachments, instructions were given to record them separately in case of

^{*} The Audit report of 1987—88 also recommended Nazool and Khalsa area "being got singled out and supported with plans and sketches duly illustrated...to avoid dispute of right."—Para 7 (c.)

^{††} While conducting measurement of 'uftada' and Wasidari plots, it was found that one Mohamad Malik had sold to the present occupant Mussamat Jigri widow of Sultan Bat 3494 squire feet (or 12 marlas and 230 feet) land out of Khasra No. 150 min 'abadi-deh' in Dalipura Maharajgunj, and the sale deed had been registered on 9th Katik 1980. The sale deed is at present in the possession of the Patwari of Nauhatta, who besides this case brought to notice several cases of encroachments on graveyard in the same locality: Khasra No. 30, as detailed in Chapter VI.

Wasidars and non-Wasidars with a view to see as to how many of the latter type had been brought to the notice of the Revenue Department. (Appendices Q. & R.)

- Two forms for recording encroachments have been prescribed: the one for Wasidars, and consists of 22 columns which will record all the processes an encroachment case shall have to undergo, till final sanction is accorded and is duly brought upon the Registers, the other for non-wasidars. These encroachments will subsequently be converted into regular land-grants duly assessed to ground rent and will in due course find a place in the General Register of grants under proper numbers; and in case of Wasidars the grant may either form a part of the original grant or a separate number may be appropriated for the purpose; while in the case of others (non-Wasidars), they will be brought on the register of Wasidars and terms of grant will be governed by the rules in force on the subject, the rates of rent being assessed on the basis of minimum rents for the locality, and the general demand and principles laid down to govern assessing of rents. Further a general register, a sort of ledger for vacant plots in the city of Srinagar has been prescribed.* The purpose of this register is to be able to say at a glance how much area has been granted out of a particular site or plot in a particular locality upto a particular period, as also to find out the maximum and minimum rates of rent assessed in that locality, and serve as a guide for the future in respect of further available land to be leased out of the said plot. Had time and means permitted, every plot so far granted would have been brought on this register. So the Nazool Department, when it is properly run and managed should complete this register and bring it uptodate.
- 43. Remeasurement and mapping out of Wasidari plots was considered not only necessary to determine the extent of encroachments made, but to keep an exact and permanent record in the Nazool Office both in the interest of the Government and the Wasidar. Complaints were received by the Committee that the Government had imposed an infliction on such of the grantees as possessed no plots and made them pay simply on the basis of forced recovery in the past. They challanged the Department to mark out the areas granted on spot. There were three such cases pending: the one of P. Rishiram of Fateh Kadal, and the other of the heirs of Ikbal Digu of Khanayar, who was granted a plot for fire-wood store at Chinarbagh, and the third of Rahman Khan of Banamohalla. The former contended that he had no Government land in possession and that before he could be made to pay, the site be demarcated. This was the general nature of the complaints. The records of the Nazool Department, the register of the complaints. The records of the Nazoor Department, the register of grants, would not satisfy them, and they went away, perhaps, to renew the fight. In the case of Rishiram he was granted 8 Dastas in Samvat 1950 on an annual ground-rent of Rs. 1-4-0, out of which resumptions were made from time to time for purposes of widening the road, and the area shown now in his possession was 3Dastas and 65 feet or 1 marla only for which he was required to pay 9 annas. This too he refused unless he were "put in possession of the land". Ikbal Digu's son came and stated that the 2 marlas of land granted to him in S. 1964 were not in his possession for he had been dispossessed of it. The contention of Rahman Khan was that the land for which he was required to pay had been usurped by some one else, and unless the land was restored to him he was not ready to pay. It is not improbable that many such complaints might be forthcoming as soop as other birds of feather heard of the cases, and no tide could ston them. The Department has no maps of sites granted and the Wasidar once he comes to know of the weakness, is sure to throw the gage.

^{*} Appendix 'S'.

- 44. We were at a loss to understand that when a Wasidar had been regularly paying the rent levied for a number of years without demur, what earthly circumstances had intervened to all at once prompt him to come forward with a plea of non-payment on the score of so-called disappearance of the plot granted. The explanation given by the Special Officer to Rishi Ram Wasidar after all satisfied him, and on demand he paid up the arrears of four and a half years' outstanding against him. We are of opinion that no such complaints should be entertained except of course in very exceptional cases, where the Nazool Department is satisfied that consideration is called for.
- 45. In the case of 10 Wasidars the term of 40 years has expired †, and in the course of another 10 years about two score of them will be on the "retirement" list.
- The case of Messrs Ram Chand Gulab Singh deserves a passing reference. In November 1912 the Wasidars were granted a plot of 34 Kanals and 13 Marlas on a ground-rent of Rs. 69-4-9 for an Oil mill, subject to revision of rent after 5 years. A period of over 15 years has elapsed since revision was due. We inspected the site, and found it had been broken up into 4 portions enclosed by two Wasidars and two of their so-called partners. The Oil mill was in the possession of one Hari Chand and neither Ram Chand nor Gulab Singh were stated to have any connection with it. It further transpired that there was a dispute between Ram Chand and the owner of the Mill, which formed the subject matter of a civil suit. The Mill-owner declared that he was willing to pay a higher rate of rent for the plot in his possession. We would note that the revision is tremendously overdue, and early steps should be taken by the Department to decide the case. We would suggest that rents be differently assessed on different plots in possession of different persons. Plots used for residential purposes should be treated under the new Rules. As for the Mill it will come under Industrial concerns; and as such should be assessed to higher rate as proposed in the revised schedule. The original area of 34 Kanals 13 Marlas has been extended by encroachments to the extent of about $1\frac{1}{2}$ Kanal. The whole plot should, therefore, be reassessed and would yield over Rs. 500 a year.
- 46. In the case of three Wasidars there existed a difference in ground rent as entered in the register of grants and the recovery register. From the old registers it was subsequently found that remissions had been granted in the case of two. But as far as the third, the Imperial Bank of India, was concerned the rent after remissions amounted to Rs. 472-10-0 and not Rs. 472-2-0 as paid by them in the past. This appeared to be due to miscalculation. A reference was made to the Bank, and they have made the correction accordingly and agreed to pay the rent at the rate of Rs. 472-10-0 (vide letter No. 11-1486 dated 16th March 1922).
- 47. In the "plotted area" excepting two special grants of Messrs the Imperial Bank and the Lloyds Bank, the term of 20 years expired long ago in the case of 38 Wasidars, a list of whom is given in Appendix F.

This list was prepared with a view to show that in case the Government were to take action under rule 24 of the Rules sanctioned in 1905, a substantial increase in annual ground rent would result and with this additional levy, arrears of ground rent due from the date of expiry of the 20 years term uptodate would bring in over 7,500 rupees. The case of B. Jowahirlal, to whom land was granted in Salmvat 1912 under the *Irshad* of Maharaja Gulabsinghji drew marked attention. Ordinarily the term of 40 years expired in Salmvat 1952; with the renewal

of the lease for another 20 years, rent could be revised and on the expiry of this term in Samvat 1972, it was upto the Government to renew or cancel the lease. Even if it were renewed for a further period of 20 years, the rent could have once again been revised; and if according to the provisions of the rules only 50 per cent increase were made at every renewal the rent for the current term should have been more than double of what was originally levied and is still recovered. The plot is stated to have more than once been sold, and it is still doubtful who the present Wasidars are from whom recovery could be made.

- 48. It is not in the case of B. Jowahir Lal alone that the original site has changed masters, but in more than a score cases the same thing has happened and the Nazool Department has had no knowledge of it. In several cases the original grantees have died long ago, and although rent is recovered through the offorts of the Nazool peon, who has personal knowledge of the Wasidars or their successors-in-interest, the Nazool Department is quite ignorant of the whereabouts of the present owners. This was observed by the Committee when the Special Officer issued notices to Baquars, and for want of correct particulars notices could not be served, and it was with great difficulty that the addresses of some of them could be ascertained. The Nazool Department was not certain whether lease agreements had been taken from all the Wasidars, for there was no record to show the duplicates of those lease agreements. One has, therefore, to depend on the memory of the Darogha which must fail.
- 49. The Rules of 1901 and 1905 had a provision to the effect that the party concerned was required to give an "intimation of devolution of interest" whether by succession or transfer, within 3 months of the date of such devolution to the Governor of Kashmir for necessary entries being made in the Register (vide Rules 25 and 28 respectively). But neither the rules of 1915 made any such provision, nor did the records of the Nazool Department help in the matter. Accordingly a general notice was issued (it was also notified in the Government Gazette) enjoining on all Wasidars to—
 - (1) intimate the successors-in-interest or the transferees at present in possession of their areas;
 - (2) send to the office of the Nazool Committee the original lease-agreements for registration and attestation. When all the agreements are received the Nazool Department should makε out a list and note down changes, and re-issue them after correction, and also issue fresh lease agreements in case of those who have executed no such agreements in the past. ††
- 50. The list of free grants as given in Appendices J. & K. (pp. xxxix & xlvii-xlix) of the Report of 1915 contains 40 names in all. Out of it one grant stands in the name of the Police Department, and could well be omitted. As for the remaining 39 persons it was to be seen what treatment should be accorded to them after exact areas in their possession had been determined. The Patwari of Narsinghgarh was specially instructed to take up this work first.
- 51. In addition to the above, one more Wasidar was found to have been granted land free of ground rent in the same old Cantonment area and four in Maharajganj. A complete list of all those embodying

[‡] It has since been ascertained, although no official information has been received, that Mr. Zanardan Teng is the successor-in-interest.

[†] Appendix "FF".

the information supplied by the Patwaris is given in Appendix G. As the Batmalu Cantonment area has been transferred to the Revenue Department, the grants made by the Military Department in that area were proposed to be checked and verified by reference to the files or registers maintained by the said Department. The Hon'ble the Revenue Minister was accordingly requested to arrange for the transfer of the relevant records, but as no papers were received from the Military Department, we had to depend on what little information the Report of 1915 and the Settlement records could furnish.

- 52. Out of an area of 1125 Kanals of the Cantonment area, 216 Kanals and 16 Marlas were shown as bedzar alongside the banks of the Dudhganga river. As the Cantonment was initially transferred to the Municipality of Srinagar, the willow trees standing thereon were sold by auction by the Municipality, and the proceeds credited to the Municipal Fund. Now that the whole Cantonment has been transferred to the Revenue (Nazool) Department, the proceeds should be credited to the Nazool revenue.
- 53. Out of the seven gardens transferred recently by the Agriculture Department to the Revenue Department the garden measuring 20 Kanals and 1 Marla at Rambagh was found to have been given on three years' lease in consideration of a sum of Rs. 130 per annum, or Rs. 390 for S. 1988-89, 1989-90 and 1990-91. The lease money for the year 1988-89, was stated to have been paid by the lessee to the Agriculture Department. The rent for the year 1989-90 not having yet been credited into the Treasury, the Department of Agriculture was requested to transfer the connected file of the case to enable the Nazool Department to effect recovery of the dues regularly according to the terms and conditions of the lease. When the term of the lease expires the Nazool Department would be in a better position to see whether the plot cannot be leased out on "plot" system profitably. As for the other gardens they shall have to be utilized according as they may conveniently be broken up into plots for building residential houses or shop sites. One of the gardens at Lalmandi Bāllā, measuring 383 Kanals 5 Marlas has still fruit trees standing in it. So long as demand for plots for building purposes out of this garden is not appreciable, the fruit trees shall continue to be given out on lease and the proceeds credited to the Nazool Department revenues.

CHAPTER V

54. The records examined by us have shown that the Nazool started with escheats of unclaimed property and forfeitures as noticed in an earlier chapter. It consisted of houses, shops and vacant areas, which were rented from time to time, and the proceeds were credited to the Nazool. The houses and shops have disappeared; there are at present a few houses, * S in number, out of which the two at Tanki-kadal, adjoining the Kashmir Valley Food Control Department, are habitable; the rest in a most dilapidated condition (although one of them occupied by a private School pays a rent of Rs. 3 a month) and should be disposed of by auction.

* No.	Property.	Where Situated.	Present condition.	Rent if any at present.	Remarks.
1	House.	Tanki- kacal.	Modern type building, two storeyed, decent and in good condition.	Rs. 10 p. m.	May stand. Rent should be revised.
2	,,	; ·	Old type, 2 storeyed with slight repairs will go on.	4 ,,	$\mathrm{D}_{\mathrm{o}}.$
3	,,	Saraf- kadal	स्टाप्त ज	ाते	The old building (Zarab-khana) having fallen down the present occupier has constructed a new building of his own with permission of the Municipality although at that time he should have been considered a Wasidar for the area leased out to him, and not a tenant of the house. He pays Rs. 26 per annum, the rent he was charged for the old house occupied. He shall now be transferred to the register of grants and rent charged at revised rates and a new lease granted to him from the date of possession.
4	,,	Qal am- danpura.	Old type, B storey- ed. Not in good condition.	36 p. a.	A private School occupies the building at present. They have been clamouring for re- pairs. But all repairs are useless. The house should be disposed of by auction and the vacant land rented.
5	77	Lokhri- yar.	Old type,2 storeyed, with shop.	12 "	Should be disposed of by auction and land given on ront.
6	77	Nawa- kadal.	Old type, 4 storeyed.	Vacant.	Do.
7	Kotha.	Bulbul- Lankar.	Old type, one storey, ed. Practically useless.		· . Do.
8	77	Khanqah Sokhta.	1	Do.	Do

55. Excepting this negligible asset the Department has no other property in the shape of buildings, wells, tanks or serais. The only other property is the Government land, Khalsa and unregistered uftada. The former is entered in Settlement records, and the latter is scattered throughout the city and outside, and unless mapped out in time is sure to disappear, as there are several forces at work to appropriate it. The little work done by Patwaries, clearly proves that there is a very valuable property at present left uncared for in these small plots, for which demand is great, and with interest and effort is sure to yield a growing income. Encroachments are freely made, even graveyards have not been spared*, and the files pending in the Revenue offices are also a proof of the fact that Government property is being ruthlessly sacrificed at the altar of indifference. The Patwar papers have recorded in all the halqas of the city of Srinagar only 1290 kanals and 14 marlas as Qabza Najuiz as detailed below:—

Under Khalsa.			Kanals.	Marlas.
Assessed to revenu	ie		39	11
Not Assessed		•••	976	11
	Total	•••	1016	$\frac{\cdot}{2}$
Under Abadi.				
Assessed			65	1.1
Unassessed			208	18
	Total	• •	274	12
-	Grand total		1290	14

*Th	e fol	lowing state	ments will be of inte	erest:—	
Locality.	Gr	ginal area of aveyard with hasra No.	Name of encroacher.	Area encroached upon.	Remarks.
Narwara Dalipora Maharaj- gunj.	No. 30	Khalsa Qabristan. K. M. 7 14	1. Nabir & Khaliq S/o Gani Sheikh.	M. Ft.	Purchased in Assuj 1978.
			2. Qadir Mala S/o Mohd. Mala.	1 90	,,
			3. Mohd. Mala S/o Khazar Mala.	2 127	,,
			4. Sher Mohd. S/o Ghulam Mohd.	7 104	77
			5. Mustt. Mali W/o Mahad Akhun.	1 29	Recently encroached.
			Total	14 125	

These do not include encroachments further noticed during remeasurements and inspections on spot.

But wherever actual measurement has been taken the increases are 50 per cent and even more.

56. The statements of the 28 dehs (villages) of the 9 halpas included in the city prepared on the basis of the latest Settlement records (of Samvat 1977) do assure a hopeful state of affairs in case the available areas are best utilised. The figures for khalsa vacant lands are so far exact as the entries in Settlement records are concerned; as for the abadi available, there are, besides whole Khasra Nos., min Nos. which are not separately recorded and can only be exact when remeasured.

Locality.	gra	ginal area of voyard with Khasca No.	Name of encroacher.	Area encroacl upon.	hed	Remarks.
Buchhwara	No. 211	Khalsa Qabristan K. M. 22 14	1. Ramzan S/o Lal Sheikh.	K. M. 0 1	Ft.	House.
			···· Total ···	0 2 1		Compound.
11		13	2. Ramzan S/o Ahad Bat.	0 0 1	154	House.
;;		23'	3. Ghulam S/o Jamal Sheikh.	0 0 5	209	House.
"		237	4. Ramzan and Ghulam.	0 0 2	249	Compound.
,,		77	5. Ashor S/o Satar Mochi	0 1	14 252	House. Chhapar.
				0 0	48	Poplars.
				0 1	27	Compound.
			Total	0 3	69	
"		77	6. Samad S/o Subhan Mochi.	0 0	252	House.
77		,,	7. Karim Sheikh S/o	0 2	256	House and Compound.
	Tota	al in 211 No.		0 14	39	
"	239	9 marlas.	8. Ahad S/o Mahda Sheikh.	0 9	0	House. Enclosed by a wall.
,,	246	18 "	9. Ahad & Salam sons of Hamza Teli.	0 18	0	Houses walled.
			Total	2_1	39	

Statement of available Khalsa and Abadi lands within Municipal limits of Srinagar.

$\left[\begin{array}{cccccccccccccccccccccccccccccccccccc$		106 19 0 0 1414	0 0 0 0 0 0 0	99 0 0 0	0 0 293	0 0 2,464		0 0 336	3 6 477	0 145	6 959
$M. \mid K. M. \mid K.$		103 19 0	0 0	0						_	9
M. K. M.		106 19	0		0	0		0			j l
M. K.		108		0					45	0	+3
M.			0		0	19		0	0	0	0
				0	9	106		0	0	0	0
K.		16	0	0	0	16		0	0	0	0
		163	0	<u> </u>	0	163		0	0	0	C
M.	~ i	10	11	0	10			0	0	0	0
K.	ALQ.	429	4	0	241	675		0	0	0	0
M.		18	0	16	က	17	LQA.	4	13	13	10
K.	GARI	1~	0	0	58	75		49	1-	≁ Įł	61
M.	NGH		iO	19	4	6	${ m YAR}$,	4	C1	1-
K.	ARSI	∞	41	0	23	73	HAN	4	7	9	1.6
Ä.	I-N	П	19	10	ৰণ পানং ০	10	II—K	11	∞	13	
K.		153	246	61	182	643		45	₹1	41	16
, K		9	2	Ó	17	1		13	<u> </u>	데	4
Ķ.		129	27	0	မှာ ပိုင်	192		47	30	,:	8.4
K		က	12	19)Ċ	19		<u> </u>	11	7	1-
, M		416	19	N	52	582		190	387	11	655
		÷	:	:	:	:		:	. :	:	<u></u>
		Narsinghgarh	Chhattabal	Zainakadal	Tashawan	Total		Habbakadal	Brarinambal	Khanyar	\mathbf{Total}
	M. K. M. K. M. K. M. K. M. K. M.	M. K. M. K. M. K. M. K. M. K. M. I. M. I. I. M. I. M. I. MARSINGHGARH HALQA.	K. M. H. M. M. M. H. M. M. M. H. M.	K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. K. M. M.	K. M. C. M.	K. M. Ix M.	K. M. Tr. M.	K. M.	K. M.	rh K. M. M.<	K. M.

... | 193 4 | 377 13 | 300

1. Zoonimar

361 8 577 13 14 18 148 2 17 19 37 10 957 10

I									7	N-	-NAWAKADAL	KAD	AL	HALQA.	QA.								
1	Idgah	:		14 13		14 16	- 9	0	0	0	0	0	0	43	17	<u> </u>	0	 0		55	18	129	-11
0.1	Bhagwanpura	• •	0	19	· · · · · · · · · · · · · · · · · · ·	1 14		0	0	0	0	0	0	0	0		O	 0	<u>-</u>	0	0	с л	138
က	Nurbagh	:	C 1	∞	··········	2 19		0	0	0	0	0	0	0	0	<u> </u>	0) (0	0	rO	L~
₹;	4 Rathpura	:	C3	15		8 0	~~~	0	1	0	19	0	0	0	0	· · · · · · · · · · · · · · · · · · ·	0	 0		0	0	4	6
10	Nawakadal	:	က	3 18	C.I	26 12		138	က	າວ	ဏ	12	10	0	0	0	0	 0		0	0	186	9
	Total		24	13	4	3 9		24 13 46 9 138 10	0	9	23	12	10	43	17	0	0			55 1	18	327	13

Name of Deh.	Kh avail	Khalsa available,	Khalsa Encroach- ment.		Abadi available.	di ble.	Abadi encroach- ment.		Unassess- ed Nazool.		Mukbuza Mabkama- mal.	uza ma-	Free grants		Gharbari Canton- ment.		Kahchari		Total.
	K	M.	X	M.	K.	M.	K.	Ä	<u> </u>	<u> </u>	K.	M.	Ķ.	И.	K. A	M. K.	M.		: .
					VI.	-KA	ARAPURA	R.4	MIR	MIRBEHRI	2	HALOA	4.		The state of the s				
1 Buchhwara	1 95	15	24	11	14	6	0 1	10	C	0	C	C	C	C	0 0		0		1.95 n
			:			Λ	II.—NAU	NAUHATTA	LTA	HALOA	j								
Sriranbirgunjbazar	2	13	2	16	17	14	17	4	Э	1:0	-	>	0	27	0	0	0	A PROPERTY AND A PROP	48 8
Nauhatta	87	12	23	10	148	बि जा क	47	61	18	တ	20	Ç1	0	0	0		0 0		355 3
Rainawari	0	-		4	91	10	23	10	Ţ	9	0	0	0	0	0	0	0 0		141 11
Sangindarwaza	69	16	<u> </u>	10	133	18	53 1	——— ——————————————————————————————————	13		0	0	O	0	62 18		0 0		391 19
Total	165	2	48	6	391	70	139	4	48	18	98	C1	0	5	65 18		0	· · · · · · · · · · · · · · · · · · ·	886 16
	ī		-	VIII.	- -KUSHIP	HIPU	URA	, IAL() Y	HALQA (BADGAM TERSIL).	1331	TEH	SIL						
Rampur	. 73	133	0	0	Э	0	())	=	0	 C	0	-			0		7.8 1.8
Baghnandsingh	©1	9	0	0	0	0	0	0	0	0	0	C	С	C	0	0 !	0 0		61
Total	75	19	0	0	C	C	С	- C	С	- - - - -	=		 	-			0 0		75 15

	_	-		1
	F 7	,		
	ノニャニュー シャ・ストート			
	1			
	1	_	1	
	7		-	
	_	_		1
	\			
			(,
		_		
	THE PERSON A CANADA CAN	-)
		_		1
	, E. Y	-	1	
	٤	*	-	1
,	4	×		1

1 Batmalu	:	12 1	-	0 18	18	6	9	বা	:co	0	0	0	0.	0	0	C	0	0	16	27	ರಾ
2 Lachmanpura	: :	4 19	19	_	7 19	0	0	0	C	<u> </u>	0	0	0	C	0	C	0	C	0	12	\overline{x}_{i}
Total	læ	0	С	§ 17	17	6	9 6	4	∞	0		G	0	0	0	0	0	<u> </u>	1.0	()†	1-
GRAND TOTAL 2717 3 1016 2 1605 15	PAL	2717	က	1016) C1	1605	15	27.1	<u> </u> =1	224	6.	768		164	#	99	1	200	61	7150	51

The statement may be summarised as under:—

	सं		\$2555	1	<u>, </u>	=
÷	Khalsa available				5717	T.D
62	Abadi available				1605	<u> 10</u>
ဆဲ	Mak buza Mahkama Mal) i	3	•	892	 ;
4	Unassessed Nazool	į		:	755	c.
5.	Kahcharai	÷	•	:	606	19
త	Free grants	:	÷	•	164	
7.	Gharbari (Cantonment)	÷	:	:	169	17
ò	Encroachments	<u>:</u>	:	:	1290	
				•		

... 7150 12

Total

To this may safely be added the following:—

- 57. The Amar Singh Technical Institute, Srinagar, has an area of 993 kanals and 6 marlas attached to it. The vast ground seems to be practically lying waste and no use—is made of this valuable property. Taking the reasonable requirements of the Institute at 243 kanals and 6 marlas, the remaining area of 750 kanals—can be made available and broken up into plots for residential buildings, etc...... 750 kanals.
- 58. Since the Civil and Military Club has been provided with ample grounds and buildings at Munshibagh, the area occupied together with the adjacent ground—excepting the outer Hazuribagh ground—could also provide another 250 kanals. It might be stated that land at Wazirbagh, adjoining the ground, sells at a rate of Rs. 2,000 to Rs. 3,000 a kanal, and as such the plots here would fetch reasonable rent....... 250 kanals & 4 marlas.
- The general statement compiled from the Settlement records shows that as much as 15,585 kanals 17 martas are in "possession of Government Departments". The requirements of the Military Department may be of an urgent nature. Making allowance for reasonable requirements of Departments like Forest, Public Works, etc. much land is lying practically un-utilized, and should be retransferred to the Revenue Department, as soon as the department concerned does not require it and should not be rented out by that department. This would be clear from the area of 8 kanals and 13 marlas granted to the Forest Department for fire-wood depot at Shorakhana (Maisuma). The Forest Department not being able to utilize the whole of it rented it in portions to contractors, and recommended grant of 4 kanals of land in favour of the firm of Messrs Faiz Ahmad and Sons of Jammu. This was the function of the Revenue Department and the Forest Department should have simply transferred the land to that Department. There is some more land still rented out of it by the Forest Department and the rent is credited to Forest receipts. This is by the way. Coming to the main issue, we think we are not unjustified in calculating that if the Government Departments transferred all land not required by them for departmental use, two or three thousand kanals of land would be made available. If the vacant land in front of the Chief Conservator's office and the vacant plot in front of the Divisional Engineer's office, were made available and a decent line of shops built upon it, it would in no way interfere with or inconvenience the Departments concerned, but would open a fresh avenue of income. The Military Department might also consider this suggestion and see if any such superfluous areas can be re-transferred to the Revenue Department for proper utilisation. Making the most modest calculations we can safely say that a 1000 kanals can at least be immediately made available out of these fifteen and a half thousand
- 60. As for Kacharai lands they can well be considered to rank with Khalsa "Maqbuza Sarkar" inasmuch as no Kacharai tax is levied within the Municipal limits of Srinagar. Moreover this area is distributed as under:—

				益.	M.
1.	Brarinamba	il .		43	6
2.	Sunwar			67	17
3.	Batwara			13	7
	Shivpara		• • •	28	15
5:	Idgah			55	18
6.	Rampura			()	1(1
	Γ	otal	• • •	209	10

The question is whether the lands thus available can be still allowed to stand unutilized when grazing tax has first been reduced to a very low rate, and secondly no tax is levied within Municipal limits, and thirdly when the cattle of the city is supposed to enjoy no such amenity; for, on the other hand, no sooner the four-footed animal is seen straying than it is impounded. In view of these considerations there seems to be no reason why this area should not form a part of "Khalsa."

61. About free grants, the figures were very doubtful. The Patwaris concerned had been asked to undertake this task first of all and provide us with exact information on free grant Wasidari plots. The figures have been incorporated as reported now

The present detail according to the Settlement records is:-

- (i) Cantonment area Batmalu, now transferred to the Revenue Department 163K. 16M.
- (ii) Maharajganj Bazar ... 0K. 18M.

 Total ... 164K. 14M.

But the revised figures are given in appendix G. As regards the former, it may be stated here that they are one and all assessed to revenue at a ridiculously low rate, as the following figures would make clear:

		K.	M.	Rs. A. P.
1.	Major General R. B. Dewan Bishandas	s. 20-	19	0-1-3
	10 1 VERT 1/4 CONTAIN 1/4 (4)	13-		1 - 6 - 6
3.	Col. Anant Ram	13-	- 1	119
4.	Thakur Bhikamsingh	12-	15	2-7-6
5.	General Bhagh Singh	14-	- 6	1-2-0
6.	Sheikh Imamdin	9-	-18	0-2-0
7.	General Farman Ali Khan	13-	- 13	0-13-9
8.	General Khajursingh	14-	-13	1 - 9 - 0
9.	General Samandar Khan	18-	-10	2-7-0

This assessment is unintelligible. For instance out of an area of 20 Kanals 19 marlas an area of 8 Marlas is declared as " bed-zor" and revenue at the rate of two annas a Kanal, perhaps, has been assessed. So is the case with the late Sheikh Imam Din's land 9 Kanals 18 Marlas) which is assessed to 2 annas. Here we are not concerned as to how this has happened, we have simply to see whether these areas existing in one of the most important localities can be allowed to stand rent free, when original grantees, in most cases, have died, and their successors-in-interest or descendants have made, or the grantees (who are living) themselves, are making the best profit out of them. These grants were originally made as far as the Irshad of His late Highness, referred to in Chapter II, about the grant of land to General Kharak Bahadur goes, with a view to grant them facilities for building houses to live in If the Government did not impose any rent, the object was to provide convenience for its officers rather than allow them to abuse the concessions granted to the original grantees in view of their sovices. It should cause no surprise to find the very General Kharak Bahadur's children selling Government land with the same rights as ordinary persons possessing proprietary rights. His eldest son Captain Babarwansingh was, perhaps, summoned by the Military Department to first explain why he had encreached on Government land to the extent of 2 Kanals and the only action taken was that his non-compliance threw the file into the hands of the Patwari concorned

and is lying with the Nazool office. It has also been ascertained that out of three or four customers to whom the Captain had sold the land, two rescinded the contract as soon as they heard that the Government land was involved. This is one of the instances. Again, almost all free grant Wasidars have rented the buildings, made sheds, garrages, etc., and let them out on hire. When proviso 2 to rule 18 could withdraw the small concession of 12½ % granted to a Government servant as soon as it were discovered that he had "rented the building," it is surprising that the "free grant Wasidar" should be given plenty of rope to abuse the very concessions granted to him. The Committee of 1915 stated that out of 31 grants made by His Highness the Commander-in-Chief, 16 were officers and clerks of the Military Department, 7 Civil officials and menials, and 7 private persons. "These areas cannot be regarded as indeed no area in Kashmir can be, as having been permanently "alienated. The Durbar's proprietary right in them has never been "parted with; they can be resumed in fact at the pleasure of the "Durbar. All that has been granted is the right to occupy them until "the Military Department should want to have them back." In regard to lands granted to persons other than Military Officers within the Cantonment limits, exactly the same principles were to be applied as had been proposed for the holders of Government lands elsewhere in Srinagar. As for the officers " as held Military office at the time of grant" they appeared to the Committee to be entitled to greater consideration and recommended that in their case the rent when assessed should be 50% lower than what would be assessed on lands held by non-Military officers. The principles laid down were to apply to all grants made under the Wasidari system since 1904; and to every grant made under the Cantonment rules sanctioned in 1901. As such the so-called rent-free grants should have been assessed to rent with the 50% concession intended by para 19 (iii). The Committee in para 19 (ii) (a) & (b) laid down that so far as the holder without the Cantonment limits were concerned. -

- (a) such lands as were held rent free might on the death of the present holders, be assessed to such rent as they would be liable to be assessed to, if they were the subject of a new grant under the rules proposed;
- (b) such lands as were already held on rent might similarly be re-assessed to rent on the expiry of 40 years from the date of the original grant.
- 62. In view of the above, it is beyond doubt that-
 - (i) 7 Civil Officials and Menials should have long ago been made to pay rent under the rules;
 - (ii) 16 Military Officers should have been required to pay rent less by 50 per cent;
 - (in) 7 private persons should also have been required to pay rent under the rules.

Besides, there are 9 names given in the Appendices to the Report; no rent has so far been levied on the lands granted to them. To the list given in Appendix L. (31 names) may be added the name of General Kharak Bahadur, and the four Wasidars to whom land has been granted free of rent at Maharaj Ganj. So the total list, omitting Police lines, comes to 41†. Their list is given in full at the end. In the original Report no measurements of lands were mentioned; that deficiency has, in most cases, been filled up. We would, taking into consideration all the circumstances, repeat the remarks of the Committee of 1915 "that as the

[†] It should have been 44. Repetitions have been omitted.

"past grants were sanctioned by His Highness the Maharaja Sahib "Bahadur, they are worthy of respect, and their holders should not "therefore be altogether deprived of the advantages which they secured," and recommend—

- (t) (a) that in the case of grantees who have died, rent should be levied from the date of death upto end of Chet 1989 on the plots actually held by them, including encroachments, Gharbaris) at rates laid down by the rules of 1915;
 - (b) and after 1989 at the minimum sanctioned for the locality in which they stand;
- (ii) that in case of grantees who do not use the houses built by them for personal residential purposes, and rent them or have constructed sheds, garages, for hiring them out, these should be subjected to the treatment contemplated in para (i) (b);
- (iii) those who use the buildings erected on the lands for residential purposes and do not rent or use them for commercial purposes, should continue to enjoy the concession till the death of the original grantees;
- (iv) In case of original grantees having sold their shops, buildings, the concession should be withdrawn and rent levied at rates:
 - (a) prevailing in the locality, from the period of transfer to the end of Chet 1989;
 - (b) and after that at minimum rates prescribed above.

The date of lease shall commence from the date rent is levied.

63. Gharbaris within the city are exempted from assessment of revenue under orders of His Highness dated the 27th March 1907 passed on the assessment report of Shahr-i-Khas Tehsil.

Gharbari (Cantonment)—It is a question whether Gharbari within cantonment limits can rank with Gharbari without Cantonment. The area known as Cantonment has now been transferred to the Civil, viz. the Revenue Department, and it is a matter for consideration whether cantonment 'Gharbaris' can be exempted as in the case of city Gharbaris. The Cantonment is in essence 'Government Khalsa', and it was in view of this fact that the Committee of 1915 recommended assessing of ground rent on lands granted to private persons and Civil officials, other than non-Military Officers. This lends support to our presumption that 'Gharbari' has wrongly been entered in the Settlement records, when all land in the Cantonment is Khalsa, and any one holding land granted by the Military Department has no right to enclose any area as 'Gharbari'. If due to inaction in the past the grantees have remained free from the operation of the rules, it is no justification for exempting them for ever, for two wrongs do not make one right. It is true that in the case of abadi, 'gharbari' may be allowed to remain free as in the city, but in the case of grantees who are in possession of Government Khalsa land this cannot apply. In the 49 kanals 11 marlas of Abadi, making an allowance of 4 kanals and 17 marlas for 'gharbari', the remaining 165 kanals are as good as Khalsa and can well be assessed to ground

	So the minimum area available for purpose	es of ass	essme	3146
would be:-		4- 1	K.	M.
1.	Khalsa; Abadi; unassessed Nazool; and ". Mahkama Mal" and Kahcharai;	Magouza 	5525	7
2.	Free grants, after making allowances for V still living. (but these figures are suscepenhancement)	Wasidars ptible of	150	0
3.	Gharbari (Cantonment)	• • •	165	0
4.	Sir Amar Singh Technical Institute	•••	7 50	0
5.	Hazuribagh (inner ground) with the ground by the Civil and Military Club	ds, used	250	4
б.	Transferred by other Departments	•••	1000	0
7.	Encroachments	•••	1290	14
	Total	• • •	9131	5

or roughly 9000 Kanals.

65. These figures are sure to be revised, and the results of measurements taken, convince us that the figures must go up. Encroachments by Wasidars have not been separately recorded, and as all encroachments made by private persons have not been entered in the Settlement papers, it is not improbable that the revised computations may raise the figure to ten thousand Kanals. We have at present 1731 Kanals 13 Marlas and 206 sft. leased out on an annual rent of Rs. 8014-14-8, to which may be added an annual income of Rs. 242 from buildings. Let us now roughly calculate the minimum income that would be drawn from the available lands if properly utilized in course of time, as also from enhancements that may be possible on the lands already leased out.

CHAPTER VI.

- 66. It is beyond doubt that the value of land has risen, and rises in consonance with the use made thereof. If in the early past the Government granted lands with a view to get the city improved and developed into a high class town, granted ditches and hollows to be filled up and built upon, the times have changed, every bit of land has an economic value; for the competitive demand and supply is ever watchful to make the utmost out of the little it has. "Land is the right basis of an Aristocracy; whoever possesses land, he emphatically more than any other, is the Governor, Viceking of the people on the land".
- 67. The city of Srinagar is divided into practical wards or compartments by the comparative importance of the localities. Amirakadal, Harisingh Bagh, Maisuma, Kothibagh, Gupkar, Maharajgunj Chowk, Habbakadal, Zainakadal, etc., form a series in the arithmatical, nay, geometrical progression in view of commercial, industrial and business considerations. Lands and houses in different localities differ in value. Maharajgunj is the busy emporium of trade. Amirakadal has an importance which elicits a rent of Rs. 300 for two Marlas and a quarter of land. If Drugjan, before the construction of the Boulevard, could command Rs. 100 for 240 square feet, what proof more substantial, more convincing, should be required that if the small areas of land are pieced together, clearly mapped out, advertised for sale, a regular, increasing and permanent income of several thousands would be assured annually? The awards made some 2 years ago in connection with the acquisition of land for the improvement of the city, lend strong support to this view.

Statement of awards given in Samuat 1987, 1988, 1989, for lands acquired for widening the road in different quarters of the city.

L	ocal	ity.	Name of person from whom acquired.	acc	rea luir- ed.	sar	Rate action- ed.	Am gra	our nte		Remarks.
			Management of the San	Das.	ft.	Rs,		Rs.	Α.	P.	
	Ta Kada		Saif-Ullah	0	442	100	per Dasta.		9	3	Works out at about Rs. 400 a marla.
2.	99		Ali Zargar	7	11		to 100 Dasta.	578	12	10	Average Rs. 318-11-0 p. m.
3.	59	•••	Nand Koul	7	70	70	per Dasta.	497	1	6	Rs. 280 per marja.
4.	2.7	•••	Bala Bayu	6	40	60	,,	394	12	6	Rs. 240 p.m.
5.	99	•••	Nandlal Raina	13	25	60 to	o 90 "	1821	11	9	Rs. 543-3 ,,
6.	"		Punjab Singh.	5	41	80	per Dasta.	447	8	6	Rs. 320 p. m.
7.	"	• • *	Anand Joo Bazaz.	18	3	60	,,	1082	9	6	Rs. 240 p. m.
8.	,,		Malabibi, Ghu- lam Mohd.	3	43	90	77	326	1	6	Rs. 360 "

Locality.	Name of person from whom acquired.	acq	rea ¡uir- d.	Rate sanction-ed.	Amount granted.	Remarks.
		Das.	ft.	Rs.	Rs. A. P.	
9. Tanki Kadal.	Govind Ram Gopaldas.	7	48	70 per Dasta	5 3 8 11 0	Rs. 280 per marla,
1. Amira Kadal.	Ramzan Sau- dagar.	1	8	1,000 ,, ,,	1,115 8 0	Rs. 4,000 ,,
2. " …	Sant Ram Hari Saran.	2	46	600 " "	1,600 0 0	Rs. 2,400 ,,
3. " …	Ahmadjoo s/o Sultanjoo.	5	37	1,000 ,, ,,	5,536 3 9	Rs. 4,000 ,,
4. ,,	Habib Joo	2	50	1,000 ,, ,,	2,724 10 3	Rs. 4,000 ,,
5. "	Ramzan Tamaku.	7	47	200 ,, ,,	1,521 11 9	Rs. 800 ,,
1. Drug- jan.	Bhagat Amir Chand.	K. 5	M. 19	(Dem Abi)	2,082 8 0	Rs. 350 per Kanal.
Boulevard Road).		0	4	(Dem Sai- labi).	250 00	,, 50 ,,
		1	0	(Bedzar).	250 0 0	,, 250 ,,
		4	8	(Pitsi)	660 0 0	,, 150 ,,
				M AIMEI	3,042 8 0	
1. Tashwan.	D. Manmohan- nath.	129	11		39,261 14 3	Average rate works out at Rs. 303-1-0 per kanal.

The averages for Tankipura are Rs. 4,800 to Rs. 10,860 per Kanal.

At this rate which if taken to be the capitalised rent of a Kanal of land in a particular locality, the annual rent yielded should be somewhere between:—

Tankipura 240 & 543 per Kanal or Rs. 12 to Rs. 27-8 per marla.

Amirakada	ıl 800 & 4000	"	,,	,,	40	to	200	,,
Drughjan	50 to 350	,,	,,	,,	2-8	to	17-8	,,
Tashwan	303	"	,,	٠,	15			,,

"The value of the land is governed by its income yielding power," is a general economic principle, and that land is valued because it commands a rent: and when that rent on the basis of the value attached to it in different quarters of the city is so high, there should be nothing to prevent us from estimating a fair and decent rent on land which Government possesses and allots for building purposes. Further, from the sale-deeds at present effected in the city the inference to be drawn is that land sells from Rs. 500 a Kanal to 3000 a Kanal in different parts, the latter rate being generally prevelent towards, Gogjibagh, Wazirbagh, Kothibagh, etc. It works out at 25 to 150 rupees per Kanal or a rent of Rs. 1-4 to Rs. 7-8 per marla.

68. Tout ensemble. It is not too high a computation to safely pre dict a very substantial income from the small bits of land or from the bigger areas which shall with better management and more of interest palpably increase. Apparently, it should have given a fair idea if every piece of vacant land available were assessed, but it should have meant a long and involved process, and proved ultimately to be the inverted process of what we have now considered to be a better form of computation. This shall fix a minimum for every locality and the reserve minimum being given, it shall be for the officer in-charge to see how they can stretch the rent to the best advantage of the Government. Instead of taking the available lands as a whole and prescribing an average, we have on the basis of the average rents† assessed at present, and the value of land itself, calculated possibilities of income in each locality in respect of all available lands and encroachments.

ANGERICA.

Locality.	Average according to awards per marla.	per marla levied at present on sites granted.	Maximum per marla levied on sites granted at present.	Minimum proposed per marla with remarks if any.
	Rs. A. P.		Rs. A. P.	
		INarsin	IGHGARH H	ALQ A.
Amirakadal Class "A"	40 0 0 200 0 0	0 0 3		Rs. 10 for shop sites and small areas. A big area of 3 kanals 10 Marlas given to Wazir Lachman works out a rate of 12 rupees per marla; or 7 marlas and 12 feet given to Wazir Kanhaya, Rs. 25-7-8 a marla. In the case of big plots for residential purposes different rates will apply. Bigger areas will be dealt with on a different basis. Industrial concerns will command higher rates.

[†] Appendix I.—Statement of comparative rates of rent in different localities.

							the first of the state of the s
Locality.	Average according to awards per marla.	present o	a t on s	Maximuper malevied esites graed a present	rla on int- t	İ	Minimum proposed per marla with remarks if any.
	Rs. A. P.	Rs. A.	P.	Rs. A	. P.		
Class "D".							
2. Gogjibagh .		0 1	7	0	0 0		Here residential plots are available. The land can better be divided into plots of 4 kanals and then given out; minimum rent should be Rs. 80 per plot; this will be subject to such revision as may be deemed necessary. For small plots Rs. 3 per marla.
Class "D"			W.	188			
3. Canton- ment Bat- malu and Magharmal bagh.		0 2	6	0	2 1	The state of the s	Here also land for plots is available and very decent areas can be let out on rent. Same terms as for Gogjibagh but for smaller plots less than one kanal Rs. 3 per maria.
Class "C".		- 3	1-21	वि जयते			
4. Rambagh and Haft Chinar.		0 2	2 0	17	0 (Rs. 4 per marla. Rates for residential plots as in Amirakadal and Gogjibagh etc.
Class "D".	_	_					
5. Lalmand		0 (o e	8 0	8 8	3	The gardens transferred to be given out on plot system; rate uniform as proposed above. Small plots will as usual be subject to a minimum of Rs. 3 per marla. For residential houses as above.
Class "D'	7.	-				-	
6. Shahid ganj.		0	0 2	2 2	6	6	Rs. 3. Good demand.
Class "H	7,	-				-	
7. Chhataba	1. 17 8	0 0	0 '	7 2	0	o	Re. 1. Fair demand.

Locality.	Average according to awards per marla.	levied at present	per marlal levied on	Minimum proposed per marla with remarks if any.
And the second s	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Class "E".				
8. Tashawan.	15 0 0	0 0 2	4 8 0	Rs. 2-8-0
Class "D"				
9° Zainakadal.		0 2 0	14 28	Rs. 3. Good demand. Land has good value.
		IIKhann	YAR HALQA	•
Class "F".		!		
10. Khanyar.		0 0 2	0 15 0	Rs. 2. Fair demand.
Class "E".	i			
11. Habakadal	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	0 0 2	2 7 7	demand. If available land
Class "H"			77	well utilized must pay.
12. Brar- nambal		0 0 1	6 0 0	Re. 1 Fair demand.
Class "F" 13. Fateli- kadal.	•			Rs. 2
Class "F"				
14. Suthoo.		0 0 2	1 1 5	Rs. 2
Class "B"		III.—Sunwa	AR HALQA.	
15. Maisuma		0 1 5	37 10 0	Rs. 5 Great demand.
THE RESERVE AND PARTY OF THE PROPERTY OF THE P		<u> </u>	01 10 0	165. 5 Great demand.
Class "A"		O 4 67	6 0 0	Rs 10. Land has a ris-
16. Kothibagh Hari-singh Bagh.		0 1 7	6 0 0	ing value in this locality of the city. Harisingh Bagh is the most important, and sites where term has expired must be made to pay fairly en-
				hanced rates for another term of 20 years.

Locality.	according		per marla levied on sites grant-	Minimum proposed per marla with remarks if any.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	,
Class "C"				
17. Bonum- sar.	•••	0 0 9	2 13 0	Rs. 4. Very good de- mand.
Class "D"	c			
18. Sunwar.		0 0 9	0 2 8	Rs. 3. Fair demand.
Class "H"				
19. Batwara Shivpura	•	0 0 9	0 2 1	Re. 1. Great demand.
Class "C"				
20. Drugjan.	17 8 (0 0 4	113 00	Rs. 4. Very good demand.
		IV —Вн	agat Zooni	MAR HALQA.
Class "H"		7727	पव जयने	
21. Zoonimar	-	0 0 1	1 15 3	Re. 1. Fair demand.
Class "H"		-		
22. Vichar- nagh.		0 0 3	3 5 0	Re. 1 Encroachments daily freely made. Must be checked. Maliari pur poses.
		V.—Kai	RAPURA MIRI	BEHRI HALQA.
Class "C".		ſ	1	
23. Buchhwara.				Rs. 4. Good demand.
		VI.—NA	инатта На	LQA.
Class "H".				1
24. Nauhatta Sangindar- waza, Ali kadal.		0 0	1 2 1	Rs. 1. Fair demand.

Locality	to awards	Minimum to rictoria levied at presention sites grante ed.	tevied on sites grant- ed at	Minimum proposed per
	The view	Ks. A. F.	D.,	
Class "H"	A		145. A. F.	
25. Raina- wari.		() 1 .	0 14 8	Re. 1.
Class "A".				
26. Maharaj- gung Bazar eliowk.		S () ()	9 0 0	Rs 10. Very great de- mand.
Class 'E".				
27. Outside chowk.				Rs. 2-8-0.
1	\	TL,-Nav	kadai. Ha	LQA,
Class "G". 28. Nawa- kadal and all round.		0 1 2	0 11 6	Rs. 1-8-0. Fair demand.
	V	III.—Knus	HIPURA HA	LQA.
Class "H".		· · · · · · · · · · · · · · · · · · ·		
29. Rampur and Bagh Nand singh.		•••		Ro. 1. Generally for Maliari and a little for buildings.
		IX—Bata	IALU HALQA	1.
Class "H"				
30. Lachman pura Batmalu (other side of Dudhganga).				Re. 1. There is some land available which can best be used for <i>Maliari</i> and building purposes.

Note. For fuller details see Appendix G, where minimum and maximum have been worked out according to minimum and maximum of areas granted in each locality.

- 69. Governed by the rates prescribed, the fresh grants are sure to yield a substantial and ever growing income so that during the course of a few years the revenue shall have palpably increased. The encroachments deserve ruthless treatment. We are in favour of charging double the minimum rates for each locality in case of encroachments, but it might in the first instance cause great hardship to those who are accustomed to pay a ridiculous rate of 5 pies for a marla which means 5 annas a kanal or Rs. 2-8-0 an acre, or even less than 14% of the prescribed minimum rates per acre laid down in 1915 for areas of the second class. In these circumstances, excepting Amirakadal, Harisinghbagh and Marharajganj Chowk, we would recommend double the minimum rates for shop sites and small areas from the date of possession rather than from the date of lease. In regard to the three localities mentioned above, the double minimum may not be feasible in every case, for when areas of more than a kanal are concerned calculations shall have to be mederate. Every thing will depend upon the circumstances, and the merits of each case will be the determining factors in the assessment, but in no case less than the single minimum shall be charged.
- The city has been practically divided into 31 fiscal subdivisions for purposes of assessment according to the importance of each locality. But for average calculations the whole halqu has had to be taken into account as figures for each ward are not separately available. For instance, the Narsinghgarh halpa consists of 6 sub-divisions as noted above, and all differ in demand and value of land. So making all allowances for the "unforeseen" we have taken a minimum for all the sub-divisions and calculated an average much less than the actual average of the minimum proposed rates for the halpa to determine the minimum possibilities of income on that basis. The reasons for this reaveraging are that supposing the market value of a kanal of land is Rs. 2000 in a particular locality, its rental value according to the principal adopted in land acquisition proceedings is Rs. 100 a kanal or Rs. 5 a marla. Supposing the very purchaser were asked to take a kanal of Government land on rent in the same locality. When he invests Rs. 2,000, which should ordinarily at 5 % interest mean an annual loss of the same Rs. 100, he should be offered terms that would tempt him to forego the bargain to save his money and at the same time pay a reasonable rent to the Government without indenting on the capi-It has also to be considered that the amount of Rs. 2,000 spent would secure him a permanent right in the land purchased, while on the other hand, the Government land carries no such right with it. In these circumstances, the rent charged should compensate him for the relinquishment of right as also indice him to pay a decent annual charge for the use made of the land granted lift therefore, instead of Rs. 100, the rental value of the land or the interest in the investment made, he is offered a long tenure, if not lease in percetime, and secondly a rate less by 25 to-50 per cent as the case may be, there would be no hesitation on the part of the intending grantee to accept the offer made. This consideration having guided us in the prescription of average rates per Kanal, the following statement has been presented dehwar, further keeping in view the extent of available land, dan in t, business importance, and possibilities of prompt and advantageous disposal of land.

Statement of average rates per kanal of Khalsa and Abadi and encroachments proposed, and the minimum income to be derived therefrom.

Serial No.	Locality.	Khalsa and Abadi avællablo.	Abadi o.	Averagominimum rate	Total amount.	Encroach- ments.	Average minimum rate	Total amount.	Grand total.	tal.
		*	اخ	Rs. 4.	Rs. A.	K. M.	Ass. A.	A.	K9.	A.
				I. NARSE	NARSINGHGARH HAI	HALQA.				
	Narsingligarh including Amira- kadin, Wazirbagh, Lalmandi,					***************************************				
	cel resteed and Hazuribagh	2,277	11	40 0	91,102 0	137 7	0 09	8,241 0	99,343	0
ଦୀ	Chbat-bat	32%	C1	20 0	6,142 0	2 89 7	0 08	2,050	8,492	· ∞
t:	Zainal solal	65	ಬ	40 0	2,610 0	1 5	0 09	0 22	2,685	C
4i	Tashwa:	533	18	30 0	16,017 0	59 1	40 0	2,362 0	18,379	0
	Total	:		:	-	-	•	:	1,28,899	∞
				II. KE	KHANYAR HALQA	Ä				
ಬ	Habbakadal	584	18	0 08	8,547 0	55 14	40 0	2,068 0	10,615	0
	Brarinambal	442	18	20 0	8,858	35.	30 0	1,051 8	606'6	.00.
1 ~	Khanyar	123	12	30 0	3,708 0	21 6	40 0	852 0	4,560	0
	Total				•		•		25,084	∞
	The state of the s						:			



	0	C	0		O	80	` ∞	œ	, α	0		0	0	0
	1,443	46	1,489		2,752	7.9	163	133	4,043	7,172		549	258	807
,		1996 to di I — Mindrodo anno agra		-	0	0	80	10	∞			0	0	
	:	÷			464	Ď1	88	40	952			106	159	
	:				0	0	0	0	0	:	-	0	0	
A36).					30	30	30	90	90			20	07	
L BADG.	:	:			9,	14	19	t~	15		am.)	9 2	7 19	
(Таняг				. A.	77	H	C1		31		1 Badga			
ALQA.	0	0		HALQ	0	œ	0	0	0		(Tehsi	0	0	
HUSHIPURA HALQA. (Tahsh. Badgan).	1,443	46		-NAWAKADAL HALQA	2,288	28	75	93	3,091		VIII.—BATMALU HALQA (Tehsil Badgam.)	443	66	
HOSH	0	0		-NAW	0	0	0		0		TMAL	0	0	
VI.—K	20	50		VII	20	90	30	30	20		I.—BA	20	20	•
	13	9			œ	19	œ	63			A	က	19	
	73	c ₃			114	Q	63	က	154			23	4	:
		•	;	•	:		:	:	:	:	-	:	:	:
			Total							Total				Total
	14 Rampur	15 Bagh Nand singh			1 Idgah	2 Bhagwanpura	3 Nurbagh	4 Rathapura	5 Nawakadal		•	1 Batmalu	2 Lachmanpura	



- The minimum rates proposed will generally apply to smaller areas; it being noted that a plot shall have in every case to be put to auction. From the demand prevailing—which demand had so to say been suppressed by the unnecessary delay in the disposal of applications for grant of land—it is beyond doubt that as soon as satisfactory arrangements are made, very decent offers will be forth coming. It was suggested that plots for bonafide residential purposes should have been treated with concession, but experience has shown that such buildings are used for commercial purposes and rented out. As such the minimum proposed, viz Rs. 80 per plot of 4 Kanals, is not a high rate. Very few are the persons who use the buildings constructed on the plots for personal residential purposes; they are more often given on rent. For instance in Shahid Gunj, the Wasidars L. Ramnath and the late Dr. Rupnarain who have been granted 10 Kanals 2 Marlas on Rs. 19-14-3 and 29 Kanals 15 Marlas on Rs. 24-10-0 respectively have rented the buildings to the Government Girls High School and Municipality on Rs. 100 and Rs. 115 a month.
- 72. In Harisinghbagh, the plot of 5 Kanals and 16 Marlas leased out to the late Dr. Suraj Bal on Rs. 20-8-9 is used for the Bengal Motor Service workshops etc.and fetches a considerable profit. Mr. C. Rai has taken over a plot in Maisuma for Re 1 and the shops constructed thereon are stated to yield a handsome income. Almost all the buildings, constructed on Government lands leased out on ridiculous rates, are used for profit. If, therefore, the Government demands a very small share of the profits derived, it is more than justified.

As for large Industrial concerns it is necessary at this stage of industrial development in the country to treat them with due consideration for some time to come. But as in course of time they are sure to develop and make large profits, the land granted to them should follow a proportionate increase. We inspected the area of 173 Kanals 15 Marlas granted to Messrs Sukhdial and Amir chand for Silk weaving Factory at Lalmandi. We are not concerned with what concessions the Government has granted the Firm. Part of the land in their possession has been built upon which should hardly cover two or three Kanals. The remaining area is to remain vacant. If the rate of rent sanctioned in case of Imperial Bank of India is applied, it would mean that the three Kanals shall be assessed at Rs. 50 per Kanal and the remaining vacant land at Rs. 27-8-0. In view of the fact that the area involved is considerable this assessment is reasonable. But one thing is necessary that "area built upon should be taken to mean area covered by structures and used for sheds, depots, store rooms, etc and passages even though vacant." In view of similar considerations we think that where areas over 20 Kanals are involved the rate of Rs. 50 per Kanal for land under buildings and sheds etc. should be assessed, while the vacant land should continue to be assessed at Rs. 27-8 per Kanal as long as it is not built upon. The period of revision of rent should in their case be fixed at when it shall be competent to His Highness' Government to enhance the rent after due consideration of all circumstances.

SECTION-2.

73. Having discussed the minimum possibilities of growing income from available lands, we now turn to the lands already rented and see what immediate additions can be made to the present income of about Rs. 8,000. It is really surprising that in the same locality exceedingly high and ridiculously low rates of rent should prevail part passu; and the only inference is, the greater the influence the less the incidence of tax. Even though the rules of 1915 laid down the maximum of 3 acres and minimum of rent in such cases as could not procure higher rates at auction, the Government officers managed to secure plots much in excess of the limit prescribed. The case of K. B. Nawab Maula Bakhsh is an

instance in point. He was granted 101 Kanals 11 Marlas, at the rate of 24 rupees an acre less 12½ per cent provided by rule 18. A list of persons who still possess land in excess of 3 acres or 24 Kanals is given in Appendix J, and it will be clear therefrom that valuable Government land in important localities has been parted with at very poor rates. Secondly, the grants made half a century ago were never revised and they are considered as good as grants made in perpetuity. We have not unearthed cases which due to the indifference of the Nazool Department have ceased to be recognised as g antees or holders of Government land. for the statements and lists of Samvat 1937, 1943 and 1951, reveal that many were the Wasidars who occupied Nazool houses and lands, free of rent. or were granted the malba of a Nazool house on condition that the land thereunder would remain the property of the Government and rent would As the configuration of the whole city has radically be charged. changed; as the records of the time laid down no exact or definite demarcation of the property; as there existed no Settlement records or maps on modern lines, and as exhuming of the dead would not only render the task impossible of easy and immediate achievement but result in undesired public indignation, it was deemed advisable both in the interest of the Government and the public to content ourselves with the existing records, and on the strength of the authority and sanction forthcoming deal with each individual case.

- 74. It might be argued that in case of grants made after the Report of the Committee was published, there was an appreciable increase in the rate of rent assessed on small plots. But from the statement of average rents and areas given in Appendix K, it is clear that the average area granted in Srinagar and outside is 5 K. 2 M. and 21 M. on an average rent of Rs. 0-3-1 and Re. 1-1-5 per marks respectively. When during the time of Maharaja Gulabsingh Rs. 50 (Ch. II.) or Rs. 31-4 were assessed on 1 Kanal 13 Markas in S. 1912, or Rs. 300 were charged for 2 Markas and 96 feet granted to Choudri Gopalu in S. 1966, the circumstances having wholly changed, and land having considerably increased in value, far better rents should have been forth coming, more so when lands in the suburbs could command a rent 500 per cent of that assessed for those in the city. Whatever the arguments put forward may be it cannot be denied that the Government property required a better management, a stronger and an honest hand to "give back the Government its due." Let us now deal with the points ad seriatum.
- 75. Wasidars in general—It has been noticed that in more than 80% cases the original Wasidars have either died or sold, mortgaged or transferred their lands, and the Nazool Department hopelessly turns to the hoary record to find the original grantee while on spot his grandchildren or a transferee of the third degree, is in actual occupation, and the land is stated to have passed through more than one hand. This difficulty can only be removed if the grantee at the time of transfer or his heirs or successors at the time of his death, supply the required information, and as many transfers are made without reference to the Government as required by the rules, the Nazool Department is naturally unaware of the successive changes The question arising out of it is that supposing in case of certain grants made 20, 30, or 40 years ago or even before, the original Wasidar has transferred the land to his successor-in-interest, and the transferee has secured possession not knowing when the original grant was made; and supposing after the lapse of another 20 or 10 years or on the expiry of the original lease an enhancement is proposed and levied on the new Wasidar; is such revision justified? We have considered the matter in all its aspects. In the terms of the Committe's Report we think that in view of the fact that past grants were made by Their late Highnesses "they are worthy of respect" and the holders should not be altogether deprived of the advantages which they secured. As such without questioning the propriety of the rents levied, we are of opinion that in case of Wasidars—whether the areas granted be in pessession of their

own descendants or transferred to a third person—the date of original grant be taken to calculate renewals and re-assessments; and that the present occupier be considered to be the successor-in-interest of the original grantee and revision of rent or renewal of lease sanctioned on the terms provided in existing rules except, of course, where the rent levied is ridiculously low or it is a free grant. In any case, the present lessees be not disturbed save where possession has been obtained without proper sanction, and such cases be dealt with on individual merits; and a provision be made in the rules to revise rents always after the lapse of 20 years in the case of every Wasidar. It should be at the option of the Government to revise the rent at 50 per cent or at new rates at the time of renewal. This would necessitate the modification of rule 19 ii). We would, however, recommend that in case of very low rents revised reasonable rents should be charged, and if the grantee refuses to accept he should be given the option of removing his material or accepting the terms offered with due concession possible under the rules; otherwise there is no possibility of revising rents for years to come even though the original term of lease may have expired.

- 76. Wasidars in "Plotted area".—A list of 38 Wasidars of the Plotted area has been given in Appendix F. It is clear therefrom that under rule 24 of the Rules of 1905, "it being competent to His Highness to order a revision of ground rent on the expiry of 20 years" to the extent of 50 per cent, the rates of rent assessed on the plots granted should have been revised long ago. If at least 50 per cent increase is ordered, as shown therein, it would enhance the annual rent by Rs.924-1-4; and if revised rates of ground rent are charged from the date of expiry of 20 years in each case, it would bring in a sum of Rs. 7,563-8-5. For the future the revised rate shall remain in force till the expiry of the term of 40 years after which action should be taken in accordance with general recommendations.
- 77. Encroachments & applications for grant of land.—As noticed in Chapter III, 168 files regarding grant of land are pending in the subordinate revenue offices. Out of them 66 files were so to say complete inasmuch as the plots in question had been put to auction and final bids secured. But in some cases, the papers were found to be pending because the reply of the Municipality in regard to their concurrence to the grant of a particular plot was not received; or in others the State subject certificate was not attached, and so on. The result has been that the Government has been put to an annual loss of Rs. 1914-6—if only the files in which final bids had been secured were sanctioned—and the net income so far credited to the Government Exchequer should have been Rs. 8362-15. So is the case with encroachments brought to the notice of the Revenue Officers. There are *544 files involving an area of 284 Kanals 19 Marlas & 240 ft. If at least 80 per cent of them had been proved and assessed to annual ground rent even at ordinary rates, an annual increase in the ground rent to the extent of Rs. 1,165-2-3 should have been assured. It is, therefore, highly incumbent that all these cases should at once be disposed of, so that the Government land may not disappear, as so many plots have already disappeared through dilatoriness. If the method of disposal is simplified, the Government must be assured of a net income of Rs. 3,079-8-3 from these pending cases.

^{*} Out of 544 files, we have taken 329 files and calculated at the rate in force—double the minimum for encroachment at an average of 0-40 per Marla according to the practice in vogue. In the remaining files either area is not given or they belong to the year 1989 or 1988. 85 files pertain to the year 1989 and form 15.6% of the total files pending for 20 years and over. Calculation for rent has been made on the basis of allowing one full year to complete proceedings in each case. After deducting one year from the total period rent has been computed as stated above at 0-4-0 per Marla for the remaining period which has given a sum of Rs. 7306-4-0 as total that should have by now been credited into the Treasury and also assured a yearly income of Rs. 1165-2-6. The total income from ground rent for hands granted and encroachments would have been Rs. 15,669-3-0.

- 78. We have already worked out a statement of encroachments made by Wasidars of Maharaj-ganj Chowk. Calculating at the rate of Rs. 20 a Marla—double the rate at present levied—the enhancement in annual rent comes to Rs. 90 and the total arrears payable up to end of Chet 1989 amount to Rs. 2160.
- 79. The Statement of Wasidars in whose case the term of 40 years has expired and the lease has to be renewed for another 20 years, is given in the Appendix H.
- 80. Our attention was drawn to the vast area of 433 kanals, 8 marlas used by the Club as Golf links. As a recreation ground it were an un-wholesome suggestion to subject it to any sort of rent or tax. But it was brought to our notice that the Club charged fees from members registered, which brings them a decent income, both here and at Gulmarg. Being only concerned with the Golf ground at Srinagar, we think that in view of the fact that the Club is using the ground for practically commercial purposes, and the land yields an "economic rent" the Government should at least be paid a reasonable percentage of the annual income realized by the Club from members playing at the links. Taking a very modest average, we have calculated a minimum of Rs. 2,000, which the Government could demand from the Club subject to revision according to the receipts.
- 81. Having discussed all the possible sources of income, let us now summarize the situation as below:—
 - We have worked out a figure of Rs. 2,88,224, as the minimum from the Government lands available in the city. It is undeniable that in the figures taken from the Settlement papers, some "ghair mumkin" areas, ditches, hollows, Bothoos, and bed-zars have been included, which may not bear the same rate of rent as ordinary lands. At the same time there are sites which would fetch much more than even modest calculations would estimate. Making, therefore, all possible allowances, we think that even if a low average of Rs. 20 per kanal were assumed, it would still bring in a net revenue of Rs 1.80,000, from vacant available lands, which with revisions, enhancements, reassessments of rents in case of sites already granted, would raise the figure to over two lakhs. It is true that it is a question of time. No Midas touch is possible. With better management, better organisation, necessary staff and time, the department is sure to prove an asset of immense value.

CHAPTER VII.

- The Nazool property, originally formed out of escheats and forfeitures which have almost disappeared, has now been substituted by Government vacant lands, both Khalsa and Abadi. It has been practically in the hands of a low paid official, called Darogha Nazool, under the administrative control of the Tahsildar. The officers who have had to deal with it, perhaps, considered it to be an unclaimed property out of which gifts could be made as freely as possible with the result that where substantial income was expected, the return was hopelessly low. A question, therefore, arises whether in view of the fact that the Nazool property now consists of Government lands and there is very little possibility of escheats in future and the lands leased out are in the main granted for building purposes on terms and conditions governed by a set of special rules, the Nazool Department may not be a separate department under the direct control of the Governor, and in future termed "Government land grants department" to avoid confusion with and distinguish it from the property, if any held as Nazool by the Municipality, as also to do away with the odium attaching to the term (Nazool). This change seems to be desirable for more than one reason.
- Firstly, when property to the extent of eleven or twelve thousand Kanals calculated to yield about three lakhs of rupees has to be managed, a low official of the status of a Darogha can hardly be expected or trusted to honestly and efficiently discharge the functions, command public respect, or deal with the public amiably and maintain the prestige of the department, and in the end give practical shape to the recommendations herein contained for the better management of the valuable property. For its proper administration the need of a responsible officer is not only desirable but imperative to save it from 'relapses' in future. Provided with a suitable staff, the officer will in main be responsible for the realisation of arrears, periodical inspections of the property, disposal of vacant areas on decent rates of rent, revision of terms of Wasidars, enhancement of rents in case of low assessments, maintenance of accounts of receipts and remittances, submission of periodical reports of progress made, organisation of the department, disposal of pending cases, and so on. This officer should be granted a status, powers and authority, and circumstances should be created to enhance his prestige, otherwise it may prove to be of no practical utility to overhaul the department with so much of labour to only allow it to revert to its chronic "chaotic condition."
- 84. Secondly, the history of land grants for building purposes makes it clear beyond shadow of doubt that the sites granted were administered by and formed part of the Revenue Department proper, inasmuch as lands belonging to the Government shall in future continue to be administered by the same Department; and sites for shops, buildings, factories, industrial concerns, social bodies, religious institutions etc, to be granted as heretofore, except, of course, that the department might be "de-controlled," and relieved of unnecessary administrative formalities, and the number of channels reduced, both in the interest of the Government and the would-be-Wasidar, who under the present procedure has to run after his application from office to office to get it through' but more often tired of the long pursuit abandons the attempt half way disappointed and dismayed with an eventual loss of revenue to the Government.
- 85. Thirdly, properties which are declared Nazool are generally entered in a separate register maintained for the purpose. Here the property is all vacant land whether registered or unregistered, and

no differentiation is made between Nazool and Government Khalsa or Uttada. Its registers are the Settlement records, and sites granted for building purposes are allotted out of these Government areas entered in the revenue papers. In the Punjab when departmental lands are made over to the Deputy Commissioner for sale they cease to be departmental "properties and become Nazool or estates under Government "management or undeveloped agricultural land as their nature indicates". If they become Nazool they are brought upon the registers before sale. Firstly no lands are put to or intended for sale here. Secondly, no Nazool register on the lines indicated, or as was formerly done, is now maintained. The register to be introduced for maintaining a record of lands is meant to be a sort of ledger to indicate portion or portions leased out of a particular plot from time to time. The Revenue Department is the custodian of all Government land required for departmental purposes with proper sanction. If the land so transferred is not required at any stage by the said department it is re-transferred to the Revenue Department and not separately to the Nazool Department as in the Punjab and the Nazool department steps into ownership and consequent administration, no distinction being made between revenue proper and Nazool.

- 86. Fourthly, Nazool properties by virtue of their fragmentary nature are often sold by private treaty or public auction. Here the only property to be sold is perhaps the few dilapidated buildings that cannot admit of any useful repairs and are better disposed of to leave the land vacant for being leased out on rent. The function of the department would be to prove a revenue yielding department and not a sales department to sell off Government property.
 - 87. In view of the above consideration, we are of opinion
 - (i) that the department be organised into a separate department with a responsible officer under the direct control of the Governor;
 - (ii) that, if deemed proper, the name of the department be changed from Nazool to that of "Government land grants department;"
 - (iii) that the department can be organised with minimum of cost inasmuch as the Governor's office will transfer the work of land grants to the New Department and as such the establishment concerned;
 - have to be raised, the Patwaris required for inspection work shall be taken out of the existing 9 Patwaris connected with the city, as the transfer of Nazool work to the Department will proportionately decrease work in their respective halqas, and thus the requisite number of Patwaris can be arranged out of them. The Patwaris are an indispensable agency for the protection of the property and will prepare the maps of property, demarcate plots and sites and report encroachments, canvass and help the creation of demand for lands and so on;
 - (v) that the officer-in-charge should be empowered to exercise the functions of a Revenue Officer to dispose of cases arising out of infringement of the rules subject to the general control of the Governor. This is imperative because of the present nature of work in the subordinate revenue offices, where as already indicated in an earlier chapter, applications for grant of land, or complaints regarding encreachments on Government land are pending for years

together, and if the present state of affairs continues will remain undecided till Greek Kalends, with substantial loss of revenue to the Government. If powers are not granted to him independently he may exercise them subject to the control of the Governor of Kashmir. But in all cases he should have powers to conduct preliminary processes in regard to applications for grant of land, and make recommendations on each case to the Governor. The same will apply to encroachment complaints. This will do away with three redundant channels, the Niabat, the Tehsil and the Wazarat.

SECTION-2.

The present rules framed by the Committee of 1915, which aimed at fulfilling the requisite conditions of grant and remedying the defects noticed in the previous rules, seem to call for a revision in the light of the present circumstances. The intricate processes contemplated by some of its sections, the prescription of minimum rents, the absence of any provision for buildings allotted for shop sites, factories or for commercial purposes, the absence of any definite provision for encroachments except that they are to be governed by the same provision for infringements, and the consequent "chaotic condition" deplored by the Committee of 1931, seem to tempt us to remark in the same strain in which the Committee of 1915 did, while undertaking the task allotted to it that the rules stand in imperative reed of revision, inasmuch as the circumstances have considerably charged since their introduction; the value of land has considerably risen and suitable sites have become scarce, as they have been appropriated on ridiculously low rents, and the Government is not adequately compensated for the lands that it has granted. The rules do not provide the maximum number of renewals, for practically speaking the leases amount to grants in perpetuity, even though the committee of 1915 wanted to remedy this defect. In view of these defects amendments are proposed as under:-

> Proviso i-This may be dispensed with, as no distinction has so far been made in regard to grants made in the "Plotted area". The Government has not revised the rents of Wasidars in this part of the Srinagar city even though rule 24 of the rules of 1905 authorised revision after 20 years. As uniformity would be best served by cancellation of any other rules existing side by side with the rules already sanctioned for the rest of the city and suburbs, this proviso may be dispensed with. On the other hand a provision may be made in the rules under rule 19 to the effect that it shall be competent to His Highness to order revision on the expiry of 20 years on the merits of each case, and the revision shall in no case be less than 25 per cent or more than 100 per cent in case of Wasidars who have been granted lands on comparatively low rents; while in the case of those who pay decent rates of rent it shall depend upon circumstances whether enhancement should be recommended or the rent allowed to continue for the full term till it is renewed.

> Proviso ii.—It requires consideration whether this should be allowed to interfere with lands that may be available for being leased out on decent rent for building purposes without inconvenience to the villagers, as the extension of the city beyond its original limits is sure to create a demand for more land. It is not, however, intended to in any way interfere with the protection afforded by the Ailan (No. 12 dated the 22nd Poh 1965).

- Rule 4 (d).—"Building" may be defined—if it means residential house it should be cleared; if it includes shops, factories, sheds, etc., it should be so defined.
- Rule 5.—Instead of 8 annas may be inserted one rupce.
- Rule 6.—Instead of 3 acres, may be substituted
 - (a) for residential build ngs, upto 4 kanals;
 - (b) for factory according to requirements;
 - (c) for shops, according to availability of space, which may not exceed 2 marlas.
- Rule 7.—These functions should now be performed by the Nazool Department and the officer-in-charge under the control of the Governor.
- Rule 8.—Be deleted. If Municipality objects to the grant of permission to construct, the land can be resumed. The Officer-in-charge of the Department shall make sure on all points before recommending grant. The land belongs to the Revenue Department, and no other Department has a right to objection except, of course, when it interferes with sanitation, or causes inconvenience, in which case the officer-in-charge can satisfy himself before-hand. The object is to simplify the processes and reduce to minimum the inconvenience caused to the intending grantee otherwise.
- Rule 9.—Substitute "Government land" for "Khalsa"
- Rule 10.—May be amended in the light of amendment suggested to Rule 8.
- Rule 11.—This will be done by the officer-in-charge six weeks are too much. The maximum limit may be put at one month but the minimum should be a week; and should depend on the discretion of the officer-in-charge.
- Rule 12.—Omit Wazir Wazarat and reference to him, substitute Governor.
- Rule 13.—Omit.
- Rule 14.—Reauction may take place at the discretion of the Governor; and when the reserved minimum has been secured, the necessity of reauction will almost disappear.
- Rule 15 and 16.—May be amended in the light of the above.
- Rule 17.—Minimum rents for each locality are being fixed but in no case should recommendation be made without proper auction.
- Rule 18.—May stand as at present. But no concession for plots used for commercial purposes.
- Rule 19.—Add that the Government shall be competent to revise rents after 20 years, subject to the maximum and minimum rents as proposed in Rule 2 above.
 - There should be a minimum for renewals. In the Punjab the original term is 30 years and renewals of 30 years are

allowed upto a minimum of ninety years, if not in perpetuity. We think the minimum might be upto 80 years for it depends on the lessee to get the lease renewed or not. One thing, however, requires consideration. In the past, grants have been made at ridiculously low rates of rent, to derive full benefit, revision is necessary. For past grants, renewals should be granted on revised rates of rent, and at every subsequent renewal it shall be at the option of the Government to revise or to continue the same rent. In case of revision it shall not be more than 50 per cent.

- Rule 20.—This should have been omitted, as rule 11 above should serve the purpose all right.
- Rule 21—Rule 11 should be amplified to contain the provision made in rules 20 and 21.
 - Rule 22.—Governor should be empowered to sanction grants up to one Kanal. Areas of one Kanal and above should be within the sanction of the Revenue Minister. Special grants or areas for factories on special terms, should be submitted for Government sanction.
 - Rule 23.—Lease agreement should be * revised to bring it in line with agreements generally executed; it should embody every condition of grant regarding resumption, rent, infringement and encroachment. The present lease agreement is very brief. It should be got printed by the Department. One rupee stamp paper will be attached.
 - Rule 24.—The necessity of such entries does not arise as the duplicate record exists with the Nazool department and all changes will be made by that department in concerned registers.
 - Rule 27.-- Proviso should be added that in case the Wasidar does not agree to revised rent on renewal, the lease shall be cancelled, and he shall forthwith be asked to remove the material for which no compensation shall be paid to him. At this case notice of 6 weeks shall be given. After the explay of the period the Government shall be at liberty to dismantle the structure on site, if any, at the cost of the Wasidar.

This is a general outline, and if the principles outlying are accepted, the rules can be revised in the light of the above remarks.

The revised rules should be made applicable with retrospective effect in case of grants in which 20 years of the term have expired.

SECTION.-3.

89. In the interest of Government lands it has been suggested that the applications made to the Municipality for grant of permission to construct buildings should invariably be referred to the Nazool Department. We found that in certain cases the Municipality had made such reference, and we are of opinion that with a view to safeguard Government interests the practice shoulb continue. When an application is referred to the Nazool Department, the latter should

^{*} A revised draft lease agreement is given in Appendix 'Y'.

return it to the Municipal Office within 10 days of its receipt certifying that no Government land is involved or otherwise as the case may be.

- 90. During our inspections we observed that the Municipality had allowed erection of Petrol Pumps, and construction of small shops on the road side for which they charged decent rent. Petrol Pumps, are stated to be charged at Rs. 150 to Rs. 250 a year, while small shops according to the importance of the locality. We think that as all Government land belongs to the Revenue Department, the rent for land occupied for such constructions should be realized by the Revenue Department and not the Municipality provided the Government does not otherwise consider the Municipality to exercise the same right on this land as is vested in the case of roads.
- 91. It was also observed that unauthorized projections and constructions on Government lands are made by the people residing on the river side. Ordinarily the land reclaimed from the rivers is as good as Khalsa, and any constructions made on it should be charged for as other Khalsa land rented for building purposes is. It is not known whether the Municipality charges any rent or not. If it considers that it exercises a right over the river banks, and the Government recognises it, the Revenue Department should have no objection in the matter. Otherwise, encroachments should be treated and assessed to ground rent as other lands encroached upon are.
- 92. We have seen that the Government Public Works Department charges annual rent from occupiers of Government buildings. In the calculations a certain percentage, say 8 per cent on capital cost of the buildings and structures is charged. But no rent for land occupied seems to be included in the rent for buildings. When land given out for construction of buildings by private persons is assessed to ground rent it is a matter for consideration whether the land which for all purposes must be treated to have been let out on hire as soon as the buildings standing on it are rented, should not be similarly treated. In case the rent charged by the Public Works Department includes rent of land automatically leased out along with the building, it should credit a portion out of the rent to the Revenue (Nazool) Department as ground-rent due on the plot. If it does not include rent for the land, this should be an invariable charge, and calculated in the rent for buildings.
- 93. The Revenue Department is supposed to be the custodian of all Government lands, and, as already remarked elsewhere, any land transferred by it should naturally bring in income as in the case of other Departments. When the Electric Department or the Forest Department or for the matter of that the Public Works Department itself should charge for the Electric power, wood or timber supplied or for supervision, the Revenue Department seems to be within its rights to claim a book credit at least for the lands transferred to or used by a particular Department.
- 94. The rules in force lay down that the ground rent due shall be paid "by equal half yearly instalments on the last day of April and the last day of October." An unauthorized practice has spring up to divide the instalments as in the case of revenue demand into Rabi and Kharif. This procedure is not permitted by the rules, nor do we consider the unauthorized change desirable. Payments should under the rules be made in two equal half yearly instalments from 1st Baisakh to 1st Jeth and 1st Katik to 1st Maghar every year.
- 95. We have had under consideration the question of regular recovery of ground rent etc., from the Wasidars without allowing it to

fall into unrealisable arrears as in the past. The Retrenchment Committee suggested as an alternative to have recourse to Civil suits in cases of default. But we are definitely of opinion that this procedure, if adopted, would involve the Nazool Department into immense difficulties, inasmuch as institution of Civil suits would mean incurring of expenses in the first instance and would not in addition be conducive to prompt and effective recovery. The present procedure of recovering the outstandings of ground rent from Wasidars as arrears of land revenue should, we think, continue.

SECTION-4.

- 96. The Department having been organized with an officer-incharge thereof, we should recommend that the following procedure in regard to the disposal of vacant lands should be adopted in the best interests of the Government revenues:—-
 - 1. A general Notice should be issued apprising the public of the creation of the new department and change in the procedure of disposal of applications for grant of land, assuring the applicants of speedy attention, notifying further that notices for lease of land shall issue from time to time. At present the people are quite unaware of the land available and when notices are issued it will sufficiently advertise the Department and its activities;
 - 2. Having done this, applications may be received, which shall determine the demand in a particular locality;
 - 3. In localities like Goji Bagh, Lalmandi, etc., big areas should be divided for residential houses into plots of 4 kanals and numbered. Where shop sites are available they should similarly be demarcated;
 - 4. After ascertaining the general demand in a particular locality, advertising by notices and in the Government Gazette should take place, to the effect that specified plots of land are available for being leased out on rent, and that auction proceedings are held on specified dates. The notices should issue under the signature of the Governor of Kasamir;
 - 5. Auction proceedings should be held by the Officer-in-charge on behalf of the Governor, and if the bid offered is considered to be decent it should be accepted but in no case should a bid lower than he fixed minimum be accepted. In case the bid offeretd is considered still susceptible of enhancement the plot should be reauctioned and then final recommendation made.
- 97. The Patwaris of the new Department should always be on the look out and inform the officer-in-charge of the probable demand in a particular locality, so that necessary action as indicated above shall be taken.
- 98. Applications for grant of land should as heretofore be received, and action on them taken in accordance with the procedure laid down. In case an applicant expresses an earnest desire to have a particular plot, and cannot present himself on the auction; the highest bid secured at auction should be communicated to him and in case he is not willing to accept the offer made, the highest bidder should be granted the plot in question. This is suggested in case of persors residing outside the city (or the State) who are entitled to take

lands under Government orders. In all other cases auction will be held and the highest bid forthcoming accepted.

(Note—As soon as the final bid is accepted by the Governor the bidder thereof shall be called upon to deposit one-fourth, which shall in no case be less than Rs. 5 in case of bids above Rs. 10: while in case of bids of less than Rs. 10 full one year's rent shall be taken in advance. This seems to be highly necessary to obviate immediate abandonment).

Advertising notices and forms should be as given in the appendices. *

SECTION-5.

- 99. We desire to take this opportunity to thank all those who assisted us in our task. They are not few to make it possible to mention all by name. But it will be obvious that we could not have completed the Report in time without the most generous help, which it has been our privilege to receive, of the Governor of Kashmir Sardar Attarsingh Sahib, to whom our grateful acknowledgments are due for the keen personal interest evinced in our work as also for the facilities afforded throughout. We are also thankful to the Tahsidar of Srinagar for his co-operation.
- 100. The overhauling of the registers, the preparation and arrangement of a large mass of material collected, in face of difficulties incidental to a Committee not fully equipped with the requisite means, involved a heavy strain, and we desire to record our appreciation of the manner in which the staff of the Committee shared this strain and discharged its arduous duties. In particular, we have to thank the Daroga Nazool, Mr. Hardial Sharma, for the useful work done by him during the period he remained attached to the Committee. With his personal knowledge and experience of the department he proved very helpful in placing before the Committee the necessary material, and we desire to bring his work to the notice of the authorities for appreciation which he rightly deserves.

RAM LAL GUPTA, M. A.,

J. L. K. JALALI, M. A.,

ASSISTANT ACCOUNTS OFFICER,

SPECIAL OFFICER,

Member of the Committee,

Member of the Committee.

Dated Srinagar, the 25th March 1933.

^{*}Appendices 'Z' & 'ZZ'. In the second part of the Appendices, all new forms prescribed have been given from Appendix 'L' to Appendix 'BB'.

APPENDICES

PARY X,-STATEMENTS.

सन्दर्भव जयते

A.—Statement of remission of ground-rent and arrears on account of resumption, transfer or acquisition of plots from Wasidars, in the city of Srinagar. APPENDIX

Remarks.	8	Since resumed & expunged from the	Transferred to the Private Department of His Highness the Maharaja Bahadur.	Resumed for widen ing road.	do.	Declared private land.	do.	Resumed for widening road.	do.	do.	
Arrears shown but now re- mitted.	L*	Rs. A. P. 148 13 0	84 15 6 69 6 0 14 11 10	569 0 3	18 0 0	1 1 4	0 0 9	0 12 8	22 10 6	3 0 0	938 7 1
Annual ground-rent now remitted.	G	Rs. A P. 23 8 0	19 9 6 16 0 0 3 6 5	189 10 9	0 0 9	e e 0	180	0 2 0	11 53	1 0 0	272 5 2
Area resumed or transferred.	ದ	K. M. Ft. 10 9 0	19 12 0 16 0 0 3 8 0	0 7 121	0 0 95	0 1 103	0 6 84	0 0 36	15 2 0	0 2 0	69 8 167
Name of Wasidar.	4	P. Ikbal Kishen Shargha.	R. Mukerjee do	Wazir Kanhya	Musmat Ashmi	L. Harbagwan	B. Dina Nath	P. Hara Kaul	B. Sardar Singh	Rajab Sheikh	Total
Locality.	60	Sunwar Kothibagh.	Bonumsar do. do	Maharajbazar	Sarai Bala	Maharaj bazar	Haftchinar	Maisuma	Chhatabal	Nawpura	
Nazool Register No.	23	717	433	1,2 & 3	381	18	733	249	746	120	
Serial No.	-	-	ଚା	က	4	,:a	ေ	<i>L</i>	00	G	

Statement of Wasidars who have no Plots in possession, but are shown in the Registers.

APPENDIX B.

				10)			
Remarks	7	Company of the control of the contro	Land granted was not subsequently given possession of.	Land granted was not subsequently given possession of. Reference has been made to the Municipality and the Divisional Engineer, Srinagar, if they have any objection to grant of land to the Wasidar.	The shops stood on the Baharikadal	such shops have now been provided. There	ls no area in possession of the Wasidars now. Hence ground rent and arrears remitted.	
1pto 89.		A. F.	4	0 0	4	0	ဏ	11
n.s. u 1988-	9		<u> </u>	0	15	15	1	6 11
Annual Arrears upto ground rent, end 1988-89.		E3.	62	508	က	0	<u>t-</u>	583
al rent.		Å. P.	0 8	100 0 0	0	0	0	0
Annual ground rent	ಚಾ	Rŝ. à			0 10	0 15	0 10	116 11
		===	14		0	0	· · · ·	116
Area granted		£ t 1 U.	24	240				
ı gra	4	H	1 0	सन्यमेव जयत	:	;	÷	
Area		N.	0	0				
		ļ	:	:	:	:	:	:
er Name of Wasidar.	દ		Ghulam Mohammad, Sunawar	Mohammad Shaban, Drugjan	P. Hara Koul Baharikadal	Gani Pir	Kashi Ram Attar "	Total
Nazool Register No.	23		814	807	162	162	162	
Reg Na		- -						

APPENDIX C. Statement of Wasidars since Samual 1957 and Annual Ground Rent shown against each.

Serial No.	Year (Samvat)	No. of Wasidars.	Amount of annual ground rent.	Remarks.
			Rs. A. P.	
$egin{array}{c} 1 & 2 & 3 & 4 \\ 5 & 6 & 7 & 8 & 9 \\ 10 & 11 & 12 & 13 \\ 14 & 15 & 16 & 17 \\ 18 & 19 & 20 & 22 \\ 23 & 24 & 25 \\ 26 & 26 & 26 \\ \hline \end{array}$	1957 1959 1960 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1974 1975 1974 1975 1976 1977 1978 1978 1980 1982 1983 1984—85 1985—86	76 81 90 110 143 170 206 235 243 269 270 280 293 315 334 344 351 358 364 372 386 395 411 438 444	1,132 9 0 1,555 10 6 1,725 5 9 1,904 7 4 5,398 12 0 5,199 14 1 8,325 14 0 8,426 14 6	
27 28 29 30	1986 —87 1987—88 1988—89 1989—90	439 445 447 485	8,414 4 4 8,415 10 4 8,424 8 8 8,012 0 5	

Note.—The list of Wasidars for 1989—90 has been corrected and brought upto date. Wasidars whose plots have been resumed or transferred or those whose plots are proposed to be resumed (as in the case of Cantonment Wasidars), or those who were found to have no land in possession, have been omitted from the list of 1988-89; and the names of those Wasidars who had not been previously included although grants stood sanctioned in their favour, have been included, and items which combined more than one Wasidar have broken up and separately entered. The list of Wasidars, therefore, stands revised as above. In regard to annual rent it should have been 9106-10-11 but after remissions etc., the net annual rent stands at Rs. 8,012-0-5 for both Srinagar and the Mufassil (Tehsil Srinagar).

APPENDIX D-Statement of remissions of ground-rent and arrears on areas granted to Wasidars in contonment Badami Bagh

& Gupkar on which buildings have not been erected and are being resumed.

				•	00)					
Remarks.	10					Out of 32 Kanals, 10	hanals are stated to have been transferred to Dr. Mathra Das on a rental of Rs. 25 who has constructed a house on it.			
e ed.		e ,	0	0	0	0		0 0	4 0	
Arrears to be remitted.	co). A.	0 2	0	236 4	1003 0		97		:
rer rer		Rs.	27	412	23				96	•
Greund rent to be remitted.	σ.	. P.	0	0	0	0		0	0	0
Greund rent to be remitted.	J	s. A.	0	0	78 12	0		0	0	0
rer rer		Rs.	16	48		89		87	48	73
ars y.	7	A. P.	0	0	0	0		48 0 0	0	
Arrears if any.		Rs. A	27 0	412 0	236 4	1003 0		0 83	96 4	:
A			1							
ual ad- E.		Rs. A. P.	0	0	0	0		0	0	· 0
Annual ground- rent.	မ	S. A	0	3 0	78 12	3		9	3 0	0
		B	16	48	~~~	96		48	48	72
ga ted.		M.	0	0	10	0		0	0	0
Area granted.	70	K.	16	16	3 6	32		91	16	24
ar.			:	:	dra	:		Kothi Dr. Mohanlal Dingra	;	pra
ısida			rm	was	arin	••		l Dii		Cho
Name of Wasidar.	- ++		P. Bhagat Ram	Mr. A. C. Biswas	Heirs of P. Narindra Nath Koul.	B. Isher Dass		unla]	al	Major R. N. Chopra
ie of			เลยล		leirs of P. N Nath Koul.	ner]		[oha	Dr. Hiralal	· R.
Nam			Bh	[r. A	eirs Nat	Isl		r. N	ī. H	ajon
										- A
7.			:	:	`	:		soth	; ‡	;
Locality.	3		ب.			<u>.</u> .				
Loc			Sunwar	do.	do.	pkaı		Sunwar Bagh.	do.	do.
			Sur			Gupkar		Sm		
ool is- vo.			615	675	069	716	• •	726	729	732
Nazool Regis- ter No.	62		Ü	U	· ·	r.		¥.		
S. No.	-			C)	ຄວ ·	₹		<u> </u>	တ	1
	:							i	•	

Į	1									4	
Remarks.	10									,	
rs ed.		ρţ	0	0	0	0	0	0	0		0
Arrears to be remitted	6	Rs. A.	143 1	353 4	226 0	304 5	288 0	256 0	222 0	:	3315 2
nd b be ted.	8	6.	0	o ၁	0	0	0	0	0	0	6
Ground rent to be remitted.		Rs. A.	7 11	& 21	0 8	0 8	8	8	8 0	63 0	5 9
			0 47	0 48	0 48	0 48	0 48	0 48	0 48	9	0 705
Arrears if any.	2	A. P.	1 (4	0	70	0	0	0	:	03
Arr if a	1	Rs.	143	353	226	304	288	256	222		3315
[d. 2]		Pi	0	O	0	0	0	0	0	0	6
Annua ground rent.	9	Rs. A.	11	62	0	0	0	0	0 8	0	9,0
₩ 60 ————		!	47	48	48	48	48	48	48	63	100
rea nted.	5	Z.	18	ं संय	0	0	0	0	0	0	4
Area granted.		K.	15	16	16	91	16	16	16	24	282
Name of Wasidars.			:	Kishen	•	P. Ram Labhaya	:	:	:	P. Shiv Nath Koul	:
Vasi]]		in		ď	bhar	ч	s c	ak	ath	Total
of 7	4		∀. Miraj Din	P. Maharaj Tiku.	P. Shivsaran	n La	S. Mulsingh	L. Kesho Das	Pt. R. C. Kak	N ₀	170
ame	{		Mir	'. Mah Tiku.	Shir	Rar	Mul	Kes	<u>مخ</u>	Sh_{1}	
Z ————————————————————————————————————	1	· · · · · · · · · · · · · · · · · · ·		۵: -	٩	Ω.					
ity.			Koth	:	:	:	:	:	:	:	
Locality.	ಣ		Sunwar Bagh.	ပိ ပ	ç٥.	do.		do.	do.	do.	
Nazool Regis- ter No.	C i	•	7.	740	750	751	763	764	804	803	
[S	o	10	=======================================	12	ဏ	. †	15	

Note.—The question of grant of compensation to these Wasidars is under consideration. If some compensation is granted, the arrears should be the first charge on the compensation money.

APPENDIX E.

NOTICE.

It is notified for the information of all Wasidars (grantees of Government lands in Srinagar and its suburbs) that all arrears of ground rent outstanding against them should be paid within one month from the publication of this Notice, or action shall have to be taken against them under rules 34 & 39 of the Building site Rules 1515).

For the convenience of Wasidars the Nazool Office will issue separate communications also.

Srinagar 7th February, 1933.

(Sd.) J. L. K. JALALI, M. A. SPECIAL OFFICER, NAZOOL DEPARTMENT.



APPENDIX E.

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

(Office of the Governor of Kashmir-Nazool Departmen).

FROM

THE SPECIAL OFFICER,

NAZOOL DEPARTMENT,

		Srinagar.
То		
No.	Dated Srinagar the	
SUBJECT:—RI	SCOVERY OF GROUND RENT AND ARREAR	S FROM WASIDARS.
SIR,		
you on account o	f Rs————————————————————————————————————	end of-
Kashmir Province pay ground-rent April and last As the ground-	le 32 of the Rules for grant of lances for Building purposes the Was by equal half yearly instalments of day of October in each year at rent due on the plot in your poses. years, it is requested the	idar is required to on the last day of the Tehsil Office. session is in arrears

question may please be paid within a period of one month from the date of this letter, otherwise action shall have to be taken under rules 34 and

39 of the Rules (reproduced overleaf).

Yours faithfully,

SPECIAL OFFICER.

Nazool Department, Srinagar.

-		Name of	Area	Annual	Arrears.			
E Locality.		Wasidar.	granted.	ground- rent.	From.	To.	Amount.	
1	2	3	4	5	6	7	8	
			Kan. Mar. Ft.	Rs. A. P.			Rs. A. P.	

- 34. All arrears of ground-rent and all fines imposed under these rules shall be recoverable as arrears of Land Revenue.
- 39. The Wasidar shall be bound to abide by all the provisions of these Rules. For every infringement of the Rules, he shall be liable, under the orders of the Governor, to a fine not exceeding Rs. 50.



Statement of Wasidars against whom arrears for three years and more are outstanding.

APPENDIX "EE".

Remarks.	Being in Cantonement area	will be the first charge on compensation money granted	whose lands are being resumed and the papers are under	consideration. do.	do.	do,	do.	do.	ďO;
Period.	3 years.	Over 10 years.	Over 7 years,	About 5 years.	Over 8 vears	6 years.	Over 5 years.	O About 5. years.	Over 8 years.
A)rears.	Rs. a. p. 236 4 0	0 1003 1 0	353 4 (226 G C	304 4 0	288 0 0	256, 0 0	252 0	858 1 71
Annual ground- rent,	Rs. a. p. 78 12 0	0 0 96	9 9	48 0 0	48 0 0	48 0 0	48 0 0	48 0 0	101 15 3
Arca granted.	K. M. ft. 26 5 0	32 0 0	16 1 0	16 0 0	16 0 0	16 0 0	16 0 0	16 0 0	100 19 0
Name of Wasidar.	Heirs of N N. Koul	Bh. Isher Das	Maharaj Kishen Tiku	Shivsaran	Ranlabhaya	Mul Singh	Kesho Dass	P. Ram chand Kak	J. C. Chatterji
Locality.	Sunwar	do	do	do.	do.	do	до.	do.	ੲ
Nazool Register No.	03/069	716/45	745/336	750/365,	751/366	763/374	464/375	804/407	526
Serial No.	==	Ø	ສ	4	ದ	9	<u>r</u>	%	G-

ف برونست رسیشا			man or a constant						······································	
O About G	3 years.	Over 10. years.	About 6 years.	Over 23 years.	Over 5 years.	Over 14 years.	Over 17 years.	4 years.	Over 4 years.	4 years.
	0	15	- J.		<u> </u>	J.1		0	∞	0
Ø	0	12	0	41	0	∞	7	10	9	0
970	<u> </u>	08680	1 8	55	Ç T	171	467	CJ,	ro	T .
	0		ರಾ	c	0	ಽಽ	0	9	0	0
9	0	0	<u> </u>	400	0	2=	10	10	4	12
465	<u>01</u>	840	9	24	5	11	24	0	H	C/1
0	0	0	0	0	95	0	0	0	113	0
15	0	01	1:-	အ	ရာ	-1 1	15	Ø.	က	19
र्ध	16	ر بى	9			າລ	50	0	0	10
Raja Sukhdevsingh	Jagdesh Sahai	Wazir Laoliman	Forest Depot through contractor.	Sir Dayakishen Koul	S. Arjansingh	Th. Rughnath Singh	Dr. Rupnarain	Iqbal Digoo	Ish ndas ketm	R. B. Radha Kishen Koul
	:		:	:	:	:	:	:	:	:
Bonum Sar	do,	Maharaj Baz	Lalmandi	do.	do.	Shahidganj	Shahidgunj	Chinarbagh	Suthoo	Khudabal
390/30	429/32	788/394	472/116	800/414	978/869	136/131	721/540	455/89	221/140	528/144
0			e3-	# #	15	16.	17	81	19	02

Remarks.											THE RESERVE OF THE PARTY OF THE
Perdoct	Over 4 years.	About 4 years.	S years.	Over 4 years.	s years.	do.	do.	0 About 5 years.	About 4 years.	Over 5 years.	3 years.
8.1	p. 1	 1	<u> </u>	55	0	~ ~	0			4	*
ते भार ब्राप्ट	et	50	9 3	81 13	19 0	\mathbf{x}	3	0 9	සා සා	17 19	24 31
~£	Rs. 98						63	116	<u>ee</u>		<u> </u>
ual nd- E.	b. p.	4	1	9	0	0 8	0.0	0	9	4 0	0
Annual ground- rent.	Rs. a. 22 C	13	ന	50 (-1	တ တ		25 (ė T	ಖ 4,	10 15
							21	 C1			
ed.	ft. 137	0	0	0	0	0	6	0	0	5 170	
Area granted.	11.	13	C.1	h.	ည	0 10	1.10	10	G	70	
, go	M.O	9	0	13	0	0	-	ော	12	0	
	:	:	:	सन्त्रमेव	जयन	:	:	:	:	:	
Name of Wasidar.	Hakim Abdulla	B. Devisaran	Ahmad Wani	P. Vishikak Dar	Pather Masjid. Khalil Dar	Ghulam Qadir Kapra	Sultan Shilo	Aziz Sufi	Aftab Ram	Kh. Aziz-din Kausa	Razak & others
	:		:	:	jid.	lla	:	:	:	:	:
Locality	ng	ari a.	dal		Mas	Íoha	lal		දාර		
Toca	hita	Shoragari Mohalla.	alka	al	er.	th A	ıkad	ara	ırna	ıyar	ъма
	Shehlitang	Shc Mo	Watalkadal	Dabtal	Path	Sheikh Mohalla	Nawakadal	Gojwara	Vicharnag	Khanyar	Rainawari
l ier	<u> </u>										J
Nazool Register No.	794/404	815/421	691/181	535/223	80/229	827/427	709/333	802/428	434/277	/234	179/235
M M	79	81	691	538	28	857	709	805	434	637/234	179,
		22	23	24	25	56					

Remarks.	Payment since made. No. arrears.
Period.	3 years. 3 years. Over 3 years. 3 years. Over 4 years. Over 17 years. do. do. do. do. do. do. do. d
Arrears.	Rs. a. p. 96 4 9 62 6 3 167 0 0 6 1 14 0 6 6 1 6 0 6 1 1 1 1 1 1 1 1 1 1 1 1 1
Annual ground- rent.	Rs. a. p. 32 1 7 20 12 9 50 0 0 0 17 0 0 0 17 0 0 0 17 0 0 0 18 1 9 9 38 4 9 50 4 6 7 9 52 0 0
Area granted.	K. M. ft. 16 1 0 10 8 0 4 0 0 0 5\frac{3}{4} 0 14 6 0 80 17 0 80 10 0 80
Name of Wasidar.	Zenana Hospital Miss Newman P. Govind Ram Rahman Khan Satar Nalband R. B. P. Premnath Thusu Q. Mohamad Aslam Pt. Manoharlal Pt. Manoharlal Pt. Prithvi Nath Pt. Girdharilal Charinjit Lal
Locality.	Rainawari do Khawja Yarbal. Malik Angan Chattabal Zithier do do. do do. do do. do.
Nazool Register No.	232/167 790/396 735
Serial No.	1 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6

As regards Wasidars outside Municipal limits Srinagar, 69 out of 81 are in arrears to the extent of Rs. 510-3-10 as under-Grand Total...69 1510 2 years and over ... Total 6 years and over ... 4 ... 51 ... 16 ... 31 က ന : 16 years Total 14 10

							-
Serial No.	Nazool Regis- ter No.	Locality.	Name of Wasidar.	Area granted	¥i.	Date of order or possession.	
				K. M.	ft.		
1	460	Harisingh Bagh.	Messrs Habib Joo and Sons.	1 8	0	14-12-1908	The state of the s
2	430	,,	Messrs Ali Mohd. Mohd. Baksh.	5 14	0	28-9-1903	-
3	475	,,	Ali Jan Merchant	1 11	0	18-5-1964	
4	€06	77.	Seth Pestonjee	0 1	94	7-7-1911	
5	242	37	Aziz Joe Contractor	0 16	0		
6	240	77	Suraj Bal	5 16	0	6-9-1903	
7	239	,,	Messrs Radha Kishen Mool Chand.	6 7	0	28-1-1910	Committee of the last
8	261	,,	Seth Peston Jee	2 15	0	4-10-1905	
9	241	Kothi Bagh	Jawahir Lal	1 13	0	11-8-1912	
				·			
10	237	,,,	Ghulam Jilani	11 19 2	112	8-6-1898	
11	300)) ,	Bhagat Jiwan Das Gokal Chand.	$2 - 5 \cdot 1$	31	16-1-1963	
12	8	,,, •••	Seth Nassarwan Jee B. Rup Chand.	2 5	0	Jeth S. 1968	
13	527	Sunwar	R. S. L. N. Sharma	11 1	0	9-4-1909	
.14	525	Gupkar	R. B. A. N. Purbi	16 0	0.	21-11-1911	
15	521	Kothi Bagh	Dr. Bishen Das	16 O	0	3-5-1909	
16	560	"	L. N. Sharma	16 0	0	9-9-1912	
17	386	55	K. Aziz Din Kausa	15 10	0	4-4-1963	
18	387	Bonumsar	Dr. Suraj Bal	1 14 1	21	16-8-1963	3.5
19	398	33 1 · · · ·	Aziz Joo Contractor	16 0	0	12-3-1964	
20	385	,,	Kh. Mohd. Sultan	16 0	o	16-6-1963	
21	436	,, •••	N. D. Hariram	7 0	0	5-10-1906	
22	470	,, •••	Iqbal Nath	34 15	0	25-7-1908	

within "Plotted area" whose term of 20 years has expired.

gre	nnuz oune ent.	d-	When the term of 20 years has expired.		gre	oundent.	of d- ,	gre	resl oun ent	d-	due las	rea: sin st e: iry.	.ce
Res.	a.	p.		20	hs.	a.	p.	Rs.	 . а.	p.	Rs.		р.
57	6	3	13-12-1928	to be other	28	11	2	86	1.	5	114	12	8
22	12	9	27-9-1923	Even if new rates to be is allowed for another	11	C	5	34	3	2	102	9.	9-
G	3	3	17-5-1984	new red	3	ŀ	8	9.	4	11	15	8.	4
2	14	9	6-7-1931	en if allov	1	7	5	4	6.	2.	1	7	5.
4	0	0	Say 20 years	PA S	$\frac{1}{1}$ 2	O	О	6	0	O	40	0,	0.
28	3	0	5-9-1923	ssed.	11	9	6	34	12	6	104	5	6
245	8	0	22-1-1930	can be re-asses	122	12	0	368	4	0	367	4	Θ_{\cdot}
113	2	0	3-10-1925	be re	66.	9	0	169	11	0	 395	15	0.
31	4	0	S. 1932. 20 years.	can % in	15	10	О	46	14	0	312	8	$\dot{\mathbf{O}}^{i}$
			S. 1852. 40 ,, S. 1972. 60 ,,	95 90									
538	13	\mathbf{c}	7-6-1918		269	G	9	S0 8	4	3	3771	. 14	6:
92	5	6	15-1-1983	these and on	46	2	9	138	8	3	277	0	6
62	8	o	Jeth S. 1988	Under Rule 24 of Rules for Plotted Area 1905, proposed for the respective localities are not levied years. The rate will be as given in next column.	31	4	0	93	12	O,	656	4	0.
44	3	3	8-4-1989	A Are	22	1	8	66	4	11		•••	
32.	0	0	20-11-1931	lotte ies al in ne	16	0	0	48	0	0	16	0	O.
16	0	o	2-5-1929	or Pl caliti ven i	8	0	0	24	0	0	24	0	0
16	0,	0	8-9-1932	nles for ve lo	8	O	0	24	0	0;			
31	0.	0	3-4- 1983	f Ru ectiv	15	8	0.	46	8,	0	93	0	\mathbf{O}_{i}
1	11:	0	15-8-1983	24 of respe	0	13	6	2	8	6	5	1	0
24	0	0	11-3-1984	ler Rule 3 for the The rate	12	0	0	36	0	0	60	0.	0,
32	O.	0.	15-6-1983	der 1 d for The	16	0	O.	48	0	.0	96	0	\mathbf{O}_{i}
14	0	0.	4-10-1926	Un pose	7	0	0.	21	0	0	42	0	0
34	12	0:	24-7-1928	propos years.	17	6:	O-	52	2	0	69	8	0

Serial No.	Nazool Regis- ter No.	Locality.	Name of Wasidar.	Area granted.	Date of order or possession.
				K. M. ft.	
23	471	Bonumsar	Iqbal Nath	9 4 0	4 1 1907
24	437	,, , ,	K. B. Allahbux	12 16 0	30 11 1906
25	3 90	, , , , , , , , , , , , , , , , , , ,	Raja Sahib Poonch	31 15 0	6 12 1906
26	390	,,	S. A. R. Effendi	25 2 0	do.
27	54 6	Kothi Bagh	Sarwanand Raina	15 10 0	Say 1906
28	429	Bonamsar	Jagdesh Sahai etc.	16 0 0	7 10 1964
29	493	35 ···	N. D. Hariram	2 1 0	11 8 1909
30	438	,,	S. Ganda Singh	20 1 0	14 9 1906
31	439	,,	Capt. R. N. Chopra	32 0 0	5 9 1906
32	440	,,	D. Amar Nath	16 0 0	8 3 1907
33	497	,,	Daulat Rai	16 0 0	20 11 1909
34	613	,,,	Sh. Purnama Devi	16 0 0	22 2 1910
35	488	;,	P. Iqbal Nath Koul	15 10 0	23 2 1910
36	530	Batwara	Jogindar Singh	26 12 0	21 5 1912
37	483	Sunwar	K B. Qadir Bakhsh	1 16 0	24 8 1966
38.	562	Pandrathen	L. N. Sharma	16 0 0	12 6 1907
			Total	•••	

Note:—From the above Statement it is clear that an annual ground-rent of find its way into the coffers of the Government as arrears due upto date. It may be mity been accorded; although properly speaking the rent in his case should at least years in Samvat 1992. So if no revised rates according to the minimum proposed are as at present realized.

gre	nnu oun ent.	d-	When of 20 ex		s has		gr	/ ₀ m ite (oun ent	of d-	gr	reslouncent.	d-	du	rrea e sir st ex piry.	10 6 ' K-
Rs.	a.	p.					Rs	. a.	p .	Rs	. a:	p.	Rs	: a.	p.
9.	3.	4	3:	1	1927	ssed. Sed. 11	4	9	8	13	13	0	27	10	0
19	3 :	0	29	11	1926	asse levie wil	9,	9	6	28°	12	6	57	9	0
46	6	0	5	12	1926	e re- not l	23	3	0	69 ∉	9	0	139	2	0:
37	10	0.		do.		can be re-assessed are not levied & The rate will b	18	13	0	56	7	ó	112	14	o
23	4	0	Say		1926	ots c ities rs.	11	10	0	34	14	0.	69	12	0.
24	0.	0-	6	10	1984	1 2 4 4	12	0-	o	36	0.7	0	60-	0-	O.
4	1	6.	10	8	1929	these jive loce	2.	0	9	6	$_2$	3	6	2:	3
40 °	1	6.	13	9/	1926	ea 1905 the respective another 20	20	0	9	60	2	3	120	4	6
64	0	0	4	9.	1926	Area the res for an	32	0	0	96	0	0	192	. 0	0
24	0	Ð	7	3	1927	> . 	12	0	0	36 :	0	0	72	0.	0
24	0	0	19	11	192 9	Plotted sed for t allowed	12	0	0	36	0	0	36	0.	0
24	0	0	21	$^{-2}$	1930	es for Plo proposed int is allo	12	0	0	36,	0	0	36	0	0
15	8	0	22	2	1930		7	12	0	23	4	0	23	4	0
26	9	8	20	5	1932	of Rul s to be se in re	13		10	39		6.	40	- a :	O _i
	_		23	8	1986	24 case	2	4	0		12	0	e	 12	0.
4	8	0				Rule sw re inc	8	0	0] }		
16	0	0	11	6	1927	Under Rule 24 ren if new rates ly 50 % increa given in next	o	U	U	24	0	0.	40	0	0
1848	2	3				Under Rule 24 c Even if new rates only 50 % increas as given in next c	924	-1-	4	277	′2 - 3-	-7	7 56	3-8-	-5 -

Rs. 924-1-4 would be added to the rent already realized, and a sum of Rs. 7563-8-5 would noted that in the case of B. Jawahir Lal the same treatment has for sake of uniforbe double with effect from Samvat 1972 till the expiry of the term of another 40 charged at least Rs. 62-8 should be realized from 1972 to 1992, instead of Rs. 31-4-0

APPENDIX FF.

Nazool Department, Srinagar (Kashmir).

NOTICE.

-:0:--

It has been observed that in many cases agreements regarding Wasidari Leases are not complete. In several instances the original grantees have died, or sold, mortgaged or transferred the plots of lands granted to them, and the names of their successors-in-interest have not been recorded in the registers of the Department, with the result that the original Wasidars continue to be shewn in the registers, which is sure to cause confusion in course of time.

All Wasidars to whom land has been granted within the Municipal limits of Srinagar or in the suburbs of Tahsil Khas, are, therefore, requested in their own interest to present their Wasidari agreements in the Nazool office within a period of one month, which will be returned duly completed and registered within a fortnight of their receipt in the office.

If any Wasidar does not possess an agreement, fresh one will be supplied to him as soon as intimation to that effect is received in the Nazool office.

Dated Srinagar 15th March 1933, (Sd.) ATTAR SINGH,

GOVERNOR OF KASHMIR.

Statement of plots held as free-grants in Srinagar City.

APPENDIX G.

.oV IsiraS co to to to to to	Locality. Narsingh Gharh """"""""""""""""""""""""""""""""""		Area originally granted. K. M. Ft.	Area entered in Settlement papers. K. M. Ft 13 13 0 14 13 0 20 19 0 20 19 0 12 15 0 14 6 0 18 10 0	Area at present in possession of Wasidars K. M. Ft. 13 13 0 14 1 0 17 4 0 22 17 0 13 0 0 15 7 0 10 19 0 10 19 0	Excess a ea a if any if any K. M. 1	Remarks. The original grantee is since dead.
9 01	** 3	Genl. Farman-Ali Khan Sheikh Imam-Din	.∄., .ª	18 18 0 9 18 0	10 2 0	1 2 0	The original grantee is since dead.
	2 2		,ŧ	<u>:</u> 9	∞		s i
12	: •	General Bhagwan Singh	•	9 13 0	0 11 01	0 18 0	The original grantee is since dead & the land is stated to bave been sold without permission.

y in Settle- possession area				Area	Area entered		Excess	
Mian Rughnath Singh Abadi Deh 8 8 0 Col. Isher Dass 7 18 0 7 18 0 7 19 0 7 19 0	i		Name of Wasidar.	originally granted.	in Settler. ment papers.	present in possession of Wasidar.	area if any.	Remarks.
Col. Isher Dass 7 13 0 7 13 0 1 Lala Ajudia Prasad 5 7 0 5 7 0 1 P. Jagdesh Chander 2 9 0 2 9 0 1 Genl. Kharak Bahadur. 7 12 0 13 1 0 12 3 0 4 11 0 1 Dewan Amar Nath	-1-	harbi	Mian Rughnath Singh	:	Abadi Deh	တ	÷	
Lala Ajudia Prasad 5 7 0 5 7 0 P. Jagdesh Chander 2 9 0 2 9 0 Genl. Kharak Bahadur 7 12 0 13 1 0 4 11 0 Dewan Amar Nath Th. Sant Smgh Abdul Aziz Constable Jawahir Singh Shaban Khan Mian Singh		:		:	13	13	:	The original grantee is since dead.
P. Jagdesh Chander 2 9 0 2 9 0 1 0 1 9 0 1 0 1 9 0 1 0		:		<u>:</u> .	-	2	:	
Genl. Kharak Bahadur. 7 12 0 19 1 0 4 11 0 Dewan Amar Nath Th. Sant Smgh Ram Diyal Jamadar Abdul Aziz Constable Usuf Beg Shabun Khan Mian Singh		:	P. Jagdesh Chander	:	6	ნ	;	The original grantee is since dead.
Dewan Amar Nath Th. Sant Smgh Ram Diyal Jamadar Abdul Aziz Constable Jawahir Singh Usuf Bog Mian Singh Mian Singh		:	Genl. Kharak Bahadur.	12	13 1 0 2 2 0	ന്	=	Wasidar is dead. The plot is stated to have been sold without
Th. Sant Singh Ram Diyal Jamadar Abdul Aziz Constable Jawahir Singh Usuf Beg Shaban Khan Mian Singh		:			(Eneroach- ment)		:	permission as mentioned in the Report. No entries in Settlement record
Ram Diyal Jamadar Abdul Aziz Constable Jawahir Singh Usuf Beg Shaban Khan Mian Singh		:		:) }		•	a
Abdul Aziz Constable Jawahir Singh Usuf Beg Shaban Khan Mian Singh		:		:	:	:	:	"
Jawahir Singh Usuf Beg Shaban Khan Mian Singh		:	Abdul Aziz Constable		:	÷	:	
Usuf Beg Shaban Khan Mian Singh		:		:	:	i	:	
Shaban Khan		:		:	:	:	•	a
Mian Singh		:		<u>-</u>	:	:	:	44
		÷		į	:	:	;	

	32.	• •	There is excess in the area, but the files are in the Revenue Minister's office.								
•	. :	:	:	:	:	•	:	÷	÷	:	:
:	:	•	:	:				:	:	÷	•
:	•	0 6 0	:	:			}	:	:	:	•
:	:	0 6 0	0 9 228	0 3 247	0 10 16½	Sir:	0 1 0	Land under buildings	1 0 0	0 3 227	0 2 0
; ;	:	:	:	•	:	h &	:	:	:	:	n Sadu
Nura dar	Aziz Khan	Jagat Singh	S. Khem Chand	L. Jiwan Mal	Dr. Bishen Dass	Ch. Chatter Singh & Ch. Panjab Singh	P. Anand Koul	Ghat P. Mokund Nadir	B. Hakim Din	Mr. Gotla	Brar Numbal Hera Nand Ratten Sadu
:	:	:	· •	:	, •			Ghat	:	:	nbal
,		66	Sher Garhi	33	Seraibala	Tanki Kadal	Gurgadi Mohalla	Ganesh	Baro Ghat	Seraibala	Brar Nun
56	27	28	29	8	31	32	93	85 42	යි	96	37

Remarks.	Shop sold to Bhagat Karam Chand Gokal Chand etc.	Shop sold to Bhagat Sukhdial Amir chand, Hari Ram & Isher Dass	Original grantee dead.	Since dead.
Excess area if any	К. М. Ft.	:	:	:
Area at present in possession of Wasidars.	K. M. Ft. 0 2 178	0 2 8	0 2 261	16: 4 0
Area Area at entered present in Settle- possession ment papers, of Wasidars.	K. M. Ft. K. M. Ft. 0 3 0 2 178	0 2 0	0 8 0	0 2 0
Area originally granted.	K. M. Ft.	मेव जयते		:
Name of Wasidar.	B. Shanker Dass	P. Hara Koul	Kothi Hari Ram Isher Dass through Pandit Sarwanand Shair	Qazi Mukutair Shah son of Mustafa Shah
Locality.	Maharaj Gunj Chowk	:		Maharaj Gunj Chowk
oZ/IsineZ	38	68	40	7

Note.-To the list may be added names of N. D. Harrram's for the plots at Maisura and of Dhanjibov's for plots at Maisuma and Kothibagh.

1st term. 2nd term of 40 years, Ø REMARK G mination of Date of ter-40 years. 1978 1929. Statement of Wasidars whose term of 40 years has expired. 1979. 1990. 1952 1992. 1983. 1988. 1983. 1983. S. 1975 ∞ ķ ó Ś જ છે ģ αį Ś i Ó က 0 0 0 O 0 0 0 0 j Groundrent levied. ದ 10 တ ∞ ∞ 0 ∞ œ 15 1-ঝ $\mathbf{R}_{\mathbf{S}}$ 0 2 62C) 0 0 31 Ó 0 0 0 0 250152 198 K. M. Sft. 0 Area. 9 : 0 0 0 1 13 0 10 O ıĠ 2 11 0 0 0 C) 0 0 (23rd Chet S. 1943) S. 1939 Date of original 1912 1948 1889 grant. 1950 19431.943 S. 1935 S. 1938 10 ģ ... | Heirs of B. Jawahirlal S. S) ś Ø Razak and others ... Mahamad Rangroo. Name of Wasidar. Seth Nasarwanji Khalil S/o Usman. Ramchand Dar Bhagwan Das Dar Subhan Shah. Jewan Dass Rajab Dulo Rajab Kano Mstt. Rahmi Moma Shah 4 Aziz Khan Kalamdan pura Rajori Kadal ... ; Dalal Mohalla Shah Mohalla Pathar-Masjid Jogilanker. Kothibagh Locality. Kothibagh Rainawari 100 Drabivar ಯೆ Budagir Ξ 0.0 7 238 110 8 179 104 APPENDIX Regis-ter No. Nazoolc) **.**-10 3 4 10 00 ರಾ N ဗ



(85)

APPENDIX J.—Statement of Wisidars possessing plots more than 3 acres or 24 Kanals.

Serial No. Register No.	Locality.	Name of Wasidars.		Area		gı	nnu oun ent	d-	gro rei	era oun ot p arla	d- er
			K.	M.	ft.	R«.	я	p.	Rs	. a.	p.
1/370	Sunwar Kothibagh	Bhagat Dunichand Amirchand	51	15	0	112	0	0	0	1	8
2/690	Sunwar	P. Narendra Nath Koul	26	5	Ó	78	12	Ó	0	2	5
3/716	79	Bhagat Isher Dass	32	0	0	96	0	0	0	2	5
4/439	Bonumsar	Major Ram Nath Chopra	32	0	0	64	0	0	0	1	7
5/526	Sunwar	J. C. Chatterji	100	19	0	100	15	3	o	0	91
6/736	Batwara	K. B. Nawab Maula Bakhsh	101	11	0	266	9	2	0	2	1
7/537	Gogjibagh	Ram Chand Gulab Singh	34	13	υ	69	4	9	0	1	7
8/721	Shahid Ganj.	Dr. Rupnarain	29	15	0	24	10	0	0	0	8
9/533	Basantbagh Khudbal).	Vishwanath & Tara- mani	28	19	0	7	3	6	0	0	3

APPENDIX K.—Comparative Statement of average area granted per Wasidar and average rates of ground-rent per Marla within and without the Municipal limits of Srinagar.

Serial No.	Where area leased out.	Area leased out and assessed to ground rent.	Annual ground rent.	Average area per Wasi- dar.	Average rate per marla of land leased out.	Percen- tage.
. 1	Both within the city and Mufassil	K. M. Ft.	Rs. a. p. 8,012-0-5	K. M. Ft.	Rs. a. p.	100
. 2	In the city of Srinagar	1,731-13-206	7,831-11-11	5-1-153	0-3-4	100
3	Outside the City of Srinagar	8-150	190-4- 6	0-2-44	11-5	522 ·5



General Statement of total recoveries, arrears and remissions proposed upto end 1988-89 .

APPENDIX KK.

	— 			2	
Within and without Municipal limits.		Remissions proposed in Ground rent.	Arrears proposed to bo remitted.	the ground rent recoverable.	Annual ground rent.
	2	33	4	0	9
Rs.	a. p.	Bs. a. p.	Ks. a. p.	Вз. а. р.	Кв. а. р.
Within Municipal limits of Srinagar 646	14 6	1. Contonment Wasidars 705 9 9	3,315 2 0		
		Appendix—D. 2. Plots acquired or resumed Appendix 272 5 2	938 7 1	19,859 12 9	7,821 11 11
		3. Where no plots are in possession 116 11 0	583 6 11		
Total		Rs. 1,094 9 11	4,837 0 0	19,859 12 9	7,821 11 11
Outside Municipal himits 62-	62-130			510 3 10	190 4 6
Total within and without Municipal limits 3,709-	3,709-116	1,094—9–11	4,8370-0	20,370-0-7	8,012-0-5



APPENDICES (PART) II.

FORMS PRESCRIBED FOR REGISTERS OF THE NEW DEPARTMENT.

सन्यमेव जयने

APPENDIX L.

Register of Nazool grants within the Municipal limits of Srinagar.

18

Remarks plots. Register of Reference to Sanctions. Register of Reference to Ę escal to moitanianest to stad Term of lease. Again W. Date of possessin by Reference to authority evidencing grant. OIG61. No. and date of <u>~</u> File No. Conditions of grant. 9 Purpose of grant. of ground rent. annual amount <u>_</u> ground-rent. ò Amount, Rate of **æ** Rs. Œ Per. Area granted with particulars. Feet. Arch. Marlas. Kanals. Khasra No. 10 Name of Mohalla Name of locality. particulars. ල Hat after rubiss N to small Old Register No. 3

Serial No.

(

Name of Wasidar Z A mount from whom amount it weeked. Brought forward Rs. A. P. P. P. P. P. P. P. P. P.	APPENDIX M. Page.	M.	=	S	Cash Register of Nazool Department For the month of	of Nazool	l Departm	ent For the	month of	I.9	1
Name of Wasidar Z Amount from whom amount Preciped Beforence from whom amount preciped Feerwall Date. Alz-Ir. Amount Receipt No. Brought forward Rs. A. P. Rs. A. P. Rs. A. P. Carried over	1		# -	0	0	•		8	01	1.1	1
Name of Wasdar Amount from whom amount of Treasury received. Date. Sal No. Genosited. Beceipt No. Brought forward Rs. A. P. Rs. A. P. Rs. A. P. Carried over			O.2	-9H -0,		Depor	sits into T	reasury.			
RS. A. P. RS. A. P.	Date.	Name of Wasidar from whom amount received.	Z zgiswafi	Тесочету М зэtsig	Amount received.	Date.	Arz-Ir- sal No.	Amount deposited.	Reference to Treasury Receipt No.	kemarks.	
		Brought forward			Ą			<u>*</u>			}
Carried over					सद्यमेव ज			A 120			
Carried over					प्यत <u>े</u>			les	<u>-</u>		
Carried over		. •.									
Carrted over			· · · · · · · · · · · · · · · · · · ·								
Carried over									•		
		Carried over									



		1	نبزار	
	• 46	*	مبرزشرومولي أبيني	
And were the second				
	3.	š.	15/	
	300		4	
	300		الدوسل ٦٠١	
-	3	ح_	3 IT	
	3		و المراجعة	
edings i sugari i sugari di me Anggari An sugari dan danggari dan	<u>क</u> र्	B	"اینج وصولی	
	15.	*	وتنفط فهسرو صول كنسلا	
	27:	7	شيش	
	ز نه			
		2		
}				
	· da		نبثار	
	iga.			
	Costa, le	2.		
	costi con	*		
	cight browning	***	نمبر رميم دوسولي تدريني	
	city begins begins	***************************************	نبروم دص لي تديني	
(W)	aging being below the series	***	نبرتیم دص لی تدنینی	
DIX (N)	Cierie Court Colored District	***	نبرونبردهم لی ترتین ایران ایران ایر	
OPENDIX (N)	Cost, Contingonitions	***	نبرونبردهم لی ترتین ایران ایران ایر	
APPENDIX (N)	ogi to militarity sing the let	***	نمبر ترمبر دصولی تدرینی مرات میراند با این این این این این این این این این ای	
APPENDIX (N)	city to the Collins	7	نمبر ترمبر دصولی تدرینی مراز برید برای کاری است. برای کاری کاری کاری کاری کاری کاری کاری ک	

APPENCIX (0) - Demand and Recovery Rigister

No.			(94)
-	8. NO.	المبرشار	
	No. Register	أمبرخرل رشرو	
	of grants. Locality	المروضع	
+			
2	Mahalla	نا محله	
٧,	Name of svasi	dar lars whoi	
-	Annual illisis	روسير	
	Hound Lent	رَا بَيْ	
	innerer ser dend si l in billet sen som det stadensmen silden – detemperier som ster	4.14	
	Anears Sure	201	
 - -	Contract	~ v	
<	years Demand	آيز	
	مهمی رسین و موجعت دم محل صوبی طایسال ار میران به برمه د		
4	Total recoverable		
	Col 7 and cal 8	ا ن	
	1.7.	18.54	
1	S Receipt no.		
<u>*</u>	Arreass	5.7	
	يد د	764	
<u></u>	The state of the s	1 (1) (1) (1) (1) (1) (1) (1) (1) (1)	
_	Series States	13 t	
ي	usteret Deman	ارو سر زودو	
	18 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	र्ग रा	
0	10 10 10 10 10 10 10 10 10 10 10 10 10 1	12.00	
	3 Total realise	k 35	
T.	الفايا وصواطاب	.55,22	
<u> </u>	Bolanes <u>Postepov</u> ersk	1	
4	Page Plant	ا درسره درسره	
-	Reference bear stem		
<u>a</u>	0	الم	
-	Remarks	المرسمونيات	

Register of Index to names of Wasidars $\frac{within}{without}$ Municipal limits of Srinagar.

APPENDIX P.

		(39)
<u>ت</u>	Remarks.	
4	Reference to register of grants. Item No. Page No.	
င	Locality.	सन्यमेव जयते
2	Name of Wasidar.	
	Serial No.	

	ro	Remarks.	
Register of Index to lease agreements.	4	Reference to register of grants.	
Registe	န	Name of Wasidar.	सत्यमेव जयते
APPENDIX PP.	2	Locality.	
ţ.	-	Serial No.	

Wasidars and assessed to Ground Rent
+
t possession of
~
oschments found on re-measurement i
=
of Eneroael
<u>.</u>
Register
نى
1 4
APPENDIN

arithin the Municipal Limits of Srinagar, for the Year 8. 19

82 Remarks. grants. 2 to retsizeA lerened ni ebem Amaldaramad Reference 01 12 and 13. ed in column 17. Sum of Col. S coverable vide sanction receiv-Total annual ground rent re-.71 amuloo spia <u>0</u> cording to sanction conveyed ment noted in Col. 10 & 11 ac-Arrears calentable on eneroachvide column 17. Excess ground rent sanctioned Orders of sanctioning authority. 16 Recommendations of Governor. commendation in column 13. 10 eroachment according to re-Arrears calculable contained in column 18. Deptt. recommendations as loased of gaibroose oldesese Excess annual ground rent as-Department. 30 Recommendations of the Nazool srotsigoM loozkN ni borotno & <u></u> Ground rent at present levied in possession of excess area. _ Date since when Wasidar is Wasidar. 10 to noissassoq ni sərs esəəxi Masidar on re-measurement. 6 Area found in possession Records. α рәләұиә B91 A Settlement Nazool Register. Area granted and entered benoitonss has lo tasig 9 Date of order under $\mu_{\rm e}\mu_{\rm e}$ culars. 10 Vame of Wasidars with parti-Locality. Old Nazool Register No. 3 File Xo. Ŝ Serial No.

APPENDIX R—Register of Encroachments found on measurement in possession of private individuals to be assessed to ground-renu within Municipal Limits of Srinagar, for the year S. 19.

Without

_	(03	,
12	К етаткs.	
11	Reference to amaldar- mad made in General Register of grants.	
10	Arrears calculable on encreasing an encroachment in column 4.	Rs.a. p.
6.	Ground-rent assessed.	Rs. a. p.
8	Orders of sanctioning authority.	
1-	Recommendation of Governor.	
9	Recommendation of the Nazool Department.	
13	Date since when kn- croacher is in posses- sion of excess area, & is now to be assessed.	
+	Area found in possession of Engrosolution of Engineer.	K. M. sft.
er:	Name of en- croacher with particulars.	
ું દ	Locality.	
	Serial No.	

APPENDIX S.

General Register of vacant areas out of which plots are granted from time to time.

--:-0-:-

Remarks. Ç. Remaining area available. <u>.</u> 1.00mm ∞ × -------Purpose for which grant- Reference ed, residential, trade or of grants. industrial. -1 K. - District 9 ground rent. Armual ıO Area of vacant land-Sft. granted. Area M. К. Date of order. က Localitywhom area granted, with particulars. Name of Wasidar to Khasra No.-C) Serial No.

99 🖔

(

	11	Remarks.	
	10	Renewals.	
	ė,	Reference to General Register of grants.	
reements	∞	Term of lease.	
Register of lease-agreements.	2	Date of grant.	
Register	9	Annual ground rent.	Rs. a. p.
	īc	Area granted.	K. M. Str.
	4	Name of Wasidar with particulars.	
APPENDIX T.	န	Locality.	
APP	2	Vazool Regis- ter No.	
	-	Serial No.	

				(202)
	13	Remarks.		
year 19	13	rence to ister of nts.	Hefe Bera gra	
or the g	11	ind rent ssable.	sase	
dars fe	10	ed.	в этА изэ1	
APPENDIX. U.—Register of transfers by mortgage, sale, succession, etc., made by Wasidars for the year 19	6	Order sanctoning transfer.	Date.	
		Order troning fer.	No.	
		isfer	Trai	
	&	transf	oou8 .noi	
		Nature of transfer.	rdoM sg	
	! 	Na	Sale	
	i-	Name of successor-in-interest to whom plot transferred.		सत्यमेव जयते
	9	Annual ground rent,		
	ī	Area grant-ed.		
IX. U.—Reg	4	Name of Wasidar.		
PPEND	9	lity.	3,008	
A1	67	ool Re- er No.	ozsN jsig	
		oN la	siriəB	

APPENDIX V.—Register of Renewals of leases of Wasidars without the Municipal limits of Srinagar for the year S 19

	13	Remarks	
	13	Reference to General Register lo	
	17	Conditions of renewal.	,
	=	mi paretari-ni-rosessors to same L. betarry lamentumovat esodw	
	15	Area in possession on renviral.	
	14	Revision 1 any un 3round rent. Total amount.	В
	133	Ignous to noitgain of to stad.	·
	12	eshet lawenering a mit enemal takes.	
	=	Period of renemal.	
	10	File No. File No. and date of order	
	6	date of tem nation of lest lease overeneme.	
	œ	Date of possession.	
	~	Date of grant.	
ŀ	9	Annual ground rent.	
	70	Area granted with khasra No.	
	4	Mame of original Wasidar with particulars.	
	အ	Locality.	
	31	Nazool Register No.	
	П	Serial No.	·

APPENDIX W.

Register of resumptions of plots from Wasidars during the year S. 19

1	1	1
15	Кетагка	
14	Reference to Register of plots.	
13	Reference to Register of grants.	
61	Reasons of resumption.	
. 111	Ground rent payable.	Rs. a. p.
10	Remaining area in possession.	
6	tround rent remitted.	Rs. a. p.
∞	Атеа тезаппед.	. M
2	Date of original sanction. No. Date.	स्थापेव जयने
9	Annual ground rent	Rs. a. p.
īĊ	vПвпічіто вэтА Бэтпвтя	Б. 1867 Х О. 1867 Х Т. 28 С. 1862 С. 1863 С.
4	Name of Wasidar.	
8	Locality	
2	Nazool Register No.	
	Serial Vo.	

63
7
č
•
13
ν_{θ}
£2;
he
7
5≈
7.5
Ξ
7
g
Ž
5
\mathcal{C}
an
જ
ts
ı
ä
ä
20
ŭ
\mathcal{S}^{a}
$\overline{\mathcal{A}}$
<u>+</u>
0
er
įs
Ď
E
•
X I
×
. a
M
NDIX
\mathbf{z}
国
APP
<

	1		(101)
113	<u> </u>	Remar	
12		References Plots.	
	Reference Register of grants.		
10	Arrears & fines due up to date of up to date. To include the contract of the c		Hs. a. p.
G	Date from which possession of land taken back from Wasi-dan.		
œ	Ground rent		. ж . — — — — — — — — — — — — — — — — — — —
7	Date of order sanctioning abandonment File No. and No. order.		
80	Ground rent.		Rs. a. p.
າວ	Area granted.	When K. M. Ft.	
4	Lecality.		
ဆ	Name of Wasidars.		
2	Register of grants.		
1	Serial No.		

AT'PENEIX Y-Revised Lease Agreement (Draft).

\mathbf{I}_{-}	S	on of	re	_resident of		
	age	000	apation			
Wasidari Jammu :	ily and in full i lease in favour and Kashmir, fo possession from are:—	of His Hi r the land	ghness the granted to r	Maharaja ne and of w	Bahadur o hich I have	
	Locality					
	Khasra No					
	Measurements _		oment our given.			
	Plan (rough)					
	Boundaries					
	North					
	South					
	East	YOR WORKS	2.889/2/4/3/CV			
	West					
2. building	I have obtaine	d the land	in question	n for the	purpos e o	
Rstermof_le	* (Here state reside sulject to	ntial house, sh revision of rent years, subject	op, factory etc.,) after 20 years, to renewals after	on an annual	ground rent o	
3.	I agree to pay	at every ren	ewal the rate	es of rent	that would	

- be more than 50 per cent of the rent levied for the term next preceding.
- 4. I agree to keep His Highness' Government informed of any transfers made by me during the periods of the lease, and in case of transfers, mortgages, sale, etc., I declare I shall obtain the previous sanction of His Highness' Government, otherwise all proceedings shall be considered to be void and I shall be entitled to no compensation if His Highness' Government dispossess me or my successor-in-interest of the plot in question.
- 5. I agree to pay the annual ground rent on the 1st Baisakh and 1st Katik every year as provided under the rules.
- 6. I shall be responsible for all arrears due, till transfer to my successor-in-interest is formally sanctioned by His Highness' Government. My heirs, successors, executors, shall be all liable to pay the dues regularly.
- 7. I shall not enclose or take into possession any adjoining land without permission, and if any encroachment is found to have been made by me, I shall pay at double the rate from the date of possession, at which my plot is assessed.
- I agree that there shall be no hindrance on my part to the plot in question being re-measured, should necessity arise at any time to that effect.

- 9. In case of abandonment I agree to pay all dues before abandonment is sanctioned and accepted.
- 10. I agree to pay all taxes, cesses, etc., that may be levied by His Highness' Government, other than land revenue which shall not be recovered from me.

11.		Signed
dated ——	(Station)	
the	19	Present Address
		Permanent Address——
Witness —		Witness————
Address		Address—
	Signed on behalf	of His Highness' Government
	Desig	nation—————
Witness		Witness————
Address-	- Vital	Address ————
dated	(Station	n)
the		_1933.
	सन्यमेव जय	ते

APPENDIX. Z

NOTICE.

It is hereby notified for general information that for the convenience of the public a department for disposal of applications for grant of land has been created with an officer in charge thereof under the direct control of the Governor of Kashmir. All applications should, therefore in future be addressed to the Governor (Nazool Department) and action will be taken thereon by the department immediately on their receipt in the office. Applications should invariably be accompanied by a shajra and khasra of the plot applied for.

- 2. It is further notified that in future the Nazool Department will demarcate sites and plots at places where Government vacant land within Srinagar and its suburbs is available for leasing out, and issue notices from time to time about each locality. Intending applicants are, therefore, informed that they should refer to these notices and present themselves on specified dates at specified places, when auction proceedings will be held.
- 3. The Department hopes that no undue delay will take place in the disposal of applications, and that as soon as final bid is accepted, possession will be given to the bidder within a month of the acceptance of the bid.

सन्धमेव जयत

Dated Srinagar the 1933.

GOVERNOR OF KASHMIR.

APPENDIX - Z	4
--------------	---

NOTICE

	at	district	
will be put	to auction for le	asing out on	
the	and sub	sequent days at	•
All in question one any individu	e auctioned shall	are requested to note that the plots not be reauctioned at the request	in of
Dated Srine	igar.	GOVERNOR OF KASHMIR.	



APPENDIX, 'A A'

Register of property, other than Government lands vacant or leased out, (i) already in possession of the Nazool Department, and (ii) transferred to the Department by the Government, or by escheats, forfeitures, etc., from time to time.

13	•	Remarks	
	of the pro-	Item.	
12	Reference to Respond to the second to the se	Page.	
	transfer.	Dste.	
	Reference to order of	.оД	
	e.	Otherwis	
10	How Transferred.	Hy Fort	
	$\begin{bmatrix} c & T & c \\ T & T & c \end{bmatrix}$	By Esch	
	Hon-	By Gove	
G	Ti əmoən	Yearly i	R. a. p.
∞	cupied or 	How central restriction of the r	
1	Dimension of the property Khakra No.	Measure. Khasra Lo	
3	Estimated value of the property with date of valuation.	Date Estimator of edvalue valua of the tion.	
,0	ed the	roidibnoO Ydagorq f to amid	
-1 4	tuate. Lo- d bounda-	Where si cality an ries.	
ಜ	on of pro-	Descripti	
62	· · · · · · · · · · · · · · · · · · ·	Serial No	
		Year.	

(

Remarks. vacant land & recoveries Reference to general [Reference to general re-|Reference to Reference to gister of grants in case register of the register of vacant land leased plots in case of demand Item. Register of disposal of property, other than Government Lands, transferred to the Nazool Page. Item. 9 ${
m Page}$ Item. Department by the Government, or by excheats, forfeitures, etc. out on rent. Œ. \mathbf{Page} . register of property Nazvol Department. to the Item. transferred J. Page. 9 10 Proceeds from to landii A anction - disposal recover-ed by sale or qunom y on rent How dis-By least APPENDIX. 'BB" posed of. ಛ tion. By sale or auc-Description property. 10 Serial No.

OFFICE OF THE PRIME MINISTER.

(General Branch)

ORDER No. 833-C of 1936.

Subject:—Revenue Minister's Memo. No. 2400, dated 15th September, 1936, regarding reduction in the rate for residential leases in Srinagar.

It is hereby ordered that the rate of rent of Rs. 20 per kanal fixed for residential leases in Notification R-18 of 1990 be reduced to Rs. 10 in future. This rate will also apply to past and indefinite grants reassessed under Notification R-18 of 1990, but the new rate will apply from the date of sanction. In the case of leases given out since the rate of Rs. 20 per kanal was sanctioned the lessees should be given the option of retaining land at the rate of Rs. 20 per kanal or get it reduced to Rs. 10 per kanal, on payment of additional premium equal to that paid by them originally.

The following method of assessment for large residential or superfluous areas included in the leases given in the past is also hereby sanctioned:—

- 1. Sites of 4 kanals ... at Rs. 10 per kanal.
- 2. Sites of 4 to 12 kanals at \dots $\begin{cases} 4 \text{ at Rs. 10 per kanal.} \\ 8 & 7 \end{cases}$
- 3. Sites of 12 to 24 kanals at ... $\begin{cases} 4 \text{ at Rs. } 10 & , \\ 8 & , & 7 & , \\ 12 & , & 5 & , \end{cases}$
- 4. Sites of over 24 kanals at ...

 4 at Rs. 10 per kanal.

 8 , 7 , 12 , 5 , Cver 24 at Rs. 3 per kanal.

The rates shall be enforced from Katik 1990, when revised Nazool rates were introduced.

The existing rates of Rs. 10 and Rs. 5 per kanal for Maliari, Pitsi etc. sanctioned vide Council Order No. 293 of 1935, are hereby reduced to:—

- 1. Maliari, fruit and willow plantation on land Rs. 5 per kanal.
- 2. Land used for rice and cereals cultivation ... Re. 1 per kanal.
- 3. Pitsi, Nadru and other plantations in water ... Re. 1 per kanal.

This reduction will take effect from the date of sanction and apply to fresh leases only.

By order in Council.

R-XVIII.
9th October 1936.

PRIME MINISTER.

REVENUE SECRETARIAT.

R. D. 134/1993.—Published for general information.

(Sd.) ANANT RAM,

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR,

OFFICE OF THE GOVERNOR KASHMIR.

Nazool Department.

	-:-0-:	
No	Dated the	<i>193</i> 5.

Copy of a telegram No. D|1153, dated 6th April 1935, from the Hon'ble Revenue Minister, Jammu to the Governor of Kashmir.

Your telegram N/1385 of 5th instant regarding reassessment Government orders awaited on rates proposed for maliari lands stop grants between 1905 and 1917 not made definitely under either set of rules be treated indefinite grants under old wasidari rules and dealt under (f) para 10 notification R-18.

Order No. 293 of 1935.

Subject:—Revenue Minister's No. D-1130, dated 4th April 1935, regarding assessment of non-residential sites used for maliari or willow plantation and for Pitsi, Nadru and other plantations to rent subject to condition specified in notification R-18 of 1990.

Sanction is hereby accorded to non-residential sites used for maliari or willow plantations purposes being subjected to rent of Rs. 10 per kanal and those used for Pitsi, Nadru and other plantations at Rs. 5 per kanal, within 10 miles of Srinagar, subject to other conditions specified in Notification No. R-18 of 1990 provided that no lease in such a case is granted for more than 5 years.

सन्यमेव जयते

By order in Council.

(Sd.) E. J. D. COLVIN,

Prime Minister.

Published for general information.

(Sd.) V. N. MEHTA

Revenue Minister.

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

OFFICE OF THE REVENUE MINISTER.

Notification No. R- 18 of Samuat 1989-90.

His Highness the Maharaja Bahadur has been pleased to pass the following orders on the recommendations of the Nazool Committee 1933 (vide Hon'ble Frime Minister's endorsement No. 4837, dated the 18th September 1933):—

- 1. The establishment of a separate Section in Governor Kashmir's office to look after Nazool property is sanctioned.
- 2. The adoption of an uniform measure of land in terms of acres, kanals, marlas and feet is accepted.
- 3. The forms of registers and Notices proposed by the Committee are approved.
- 4. The encroachments on Government land already turned into grave-yards might be left untouched, but for the future boundary marks should be put up and no encroachment allowed. Encroachments otherwise might be assessed at new rates. Where the period of occupation is over three years, rent may be charged for at least three years; otherwise for the actual period of occupation. As regards assessment and revision, the new rates will come into operation from the date of order.
- 5. Government Departments in possession of land which is in excess of their normal requirements will surrender land in excess of their strict requirements to the Revenue Department for being leased out on the usual terms.

सन्धमेव जयत

- 6. Gharbari areas within the old Batmaloo Cantonment now transferred to the Revenue Department will be assessed, and free grants the original grantees whereof have died or which have been used for non-residential purposes may be assessed at the new rates of rent, provided that this will not apply to the Gharbari area appurtenant to holdings which were in the occupation of individuals prior to the creation of the Batmaloo Cantonment and whose lands were not acquired when that area was included in the Cantonment limits.
- 7. The following minimum rates of ground-rent as proposed by the Revenue Minister to be granted for trade purposes that is shop sites in 30 Zones of the City of Srinagar, are sanctioned:—

1.	Amirakadal		Rs.	10 p	er marla,
2.	Gogjibagh		,,	3	,,
3.	Cantonment Batmaloo and Bagh	Magharmal	,,	3	;;
4.	Rambagh and Haftchinar	• • •	27	4	,,
5.	Lalmandi	•••	"	3	,,
6.	Shahidganj	•	,,	3	, ;
7 .	Chhatabal		Re.	1	,,
8.	Tashawan	• • •	Rs.	2.8	·O.,

9.	Zainakadal	*** *	Rs.	5 pe	r marla.
10.	Khanyar		,,	2	11
11.	Habbakadal	• • •	"	5	17
12.	Brarnambal		${ m Re.}$	1	, ,
13.	Fatehkadal	• • •	Rs.	2	; 3 7
14.	Suthoo		23.	2	
15.	Maisuma	• • •	,,	6	12 ¹
16.	Kothibagh		"	10	יל
17.	Bonumsar	•••	;,	4	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
18.	Sunwar		"	3	"
19.	Batwara Shivpura	• • •	Re.	1	2.9
20.	Drugjan	• • •	Rs.	4	I
21.	Zoonimar		Re.	1	"
22.	Vicharnag	•••	,,	1	,,
23.	Buchhwara	•••	Rs.	4	"
24.	Nauhatta, Sangindarwaza, Alikadal	• • • •	Re.	1	"
25 .	Rainawari	•••	Rs.	2	,,
26.	Maharajganj		,,	04	"
27.	Outside Chowk	•	,,	2-8-0	1)
28.	Nawakadal, and all round	• . •	,,	2	,,
29.	Rampur and Bagh Nandsingh		Re.	1	,,
30.	Lachmanpura Batmaloo (otherside Dudhganga)	of	Re	. 1	"

In no cases shall the ground-rent be charged at a rate lower than the rate fixed for that particular Zone.

8. The uniform rate of Rs. 20 per kanal or Rs. 160 per acre for sites for residential buildings is approved, with the maximum limit of 4 kanals for a building site. This rate be reduced by 10 per cent. in case of the sites given under (A) below and by twenty per cent. in case of sites shown under (B) below:—

(A)

- 1. Chhatabal.
- 2. Rainawari.
- 3. Brarnambal.
- 4. Nawakadal.
- 5. Lachhmanpura.

(B)

- 1. Zoonimar.
- 2. Vicharnag.
- 3. Nauhatta.
- 4. Rampur Bagh Nandsingh.

- 9. Sanction is accorded to the proposal of the Revenue Minister that for sites for industrial purposes, areas of less than one kanal should be assessed at the shop site rates with the modification that the proposed rate will be charged for actual area under the buildings and half the shop site rate for racant area. The cases of big industries requiring large areas will be considered on their merits.
- 10. The following recommendations with regard to sites leased out for residential purposes, are accepted:—
 - (d) In case of grants made under the rules of 1917 in which 40 years have not yet been over and sites are actually used for declared objects, revised rents should not be charged till the expiry of the term of leases.
 - (b) But in cases where the sites have not been used for the declared object, i. e., building residential houses, but have been used for trade purposes, revised rent should be charged as in such cases the lessees have broken the conditions of the grant.
 - (c) Cases in which rent has been revised on these considerations even before lapse of 40 years should be exempted till the expiry of the period of the lease. For example Mr. Pande and Pandit Kishen Lal Kitchloo's cases.
 - (d) Rents for sites given under the rules of 1905 in which no revision has taken place at the end of 20 years may be increased by 50 per cent. in cases in which sites are used for residential purposes.
 - (e) In case of the sites having been used for trade purposes, new rates may be charged, if the lessees agree. If the lessees do not accept the new rates they will be required to vacate the sites and allowed to take away the material of the building.
 - (f) In the case of grants made before 1905 notice of the new rates shall be given and the lessees who do not accept the new rates shall be required to vacate immediately and allowed to take away the material of the building.
- 11. The proposal for dispensing with the channels of communication of Niabat, Tehsil, Wazarat, and the Municipality for leasing out Nazool lands is sanctioned.
- 12. The Revenue Minister's recommendation that the Nazools Officer should exercise powers of a Revenue Officer is accepted.
- 13. The Revenue Minister's suggestion that the revision of rules regarding the lease of Nazool lands should be taken up after the department is organized, is approved.
- 14. The suggestion of continuing the existing practice of realising Nazool arrears as arrears of land revenue, is approved.
- 15. Sanction is accorded to the procedure outlined by the Revenue Minister for the auction of sites according to which the sites will be put to auction, but the bidding will not take the shape of offer of higher rate of rent than the one advertised, but will take the shape of offer of lump-sum by way of premium paid once for all. The auction will be regulated by the ordinary rules prescribed for the auction sales.

SRINAGAR:

The 22nd September, 1933.

(Sd.) V. N. MEHTA,

REVENUE MINISTER.

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

OFFICE OF THE REVENUE MINISTER.

Memorandum for submission to His Highness the Maharaia Bahadur.

No. D/2952, Dated, Srinagar, the 22nd June 1933.

Committee of 1932, the management of the Nazool property in Srmagar was ordered to be enquired into. The accumulation of arrears of ground rent was the chief point that had struck the members of the Retrenchment Committee. It also desired to find ways and means of enhancing income from this source. The Committee observed that the Governor being busy usually otherwise the Assistant Governor should be entrusted with the work and he should be assisted by an officer of the Accounts Department. After preliminary and cursory study of the condition of this source of income, the Revenue Minister saw that no officer of the Revenue Department could do justice to the work so long as he had to do it in addition to his own duties; he accordingly proposed the appointment of a wholetime officer and deputed Pandit Jia Lal Kaul Jalali of his office for a period of six months. He was assisted by one Accounts Officer of the grade of the Assistant Accountants Officer.

- 2. Pandit Jia Lal Jalali has conducted the preliminary enquiry into the present condition of the management of the Nazool property, the possibilities of better management and enormous increase in the receipts from this head. He has surveyed the whole position diligently and clearly. The material collected by him within the short period of his deputation contains very useful information and furnishes all the necessary data required for registration of all Government sites in Srinagar, tracing out encroachments, reassessment of sites where it is due, proper assessment of ground rent in future, recovery of arrears. It contains proposals for future management of the Department.
- 3. He has most vividly exposed the existing chaos in the management of the Department. There is no complete record of available sites for grant, of sites leased out and resumed. The system of collection of ground rent is very unsatisfactory; demand statements are not prepared regularly and the lessees are approached seldom if ever for payment of Now and then notices are served and most of the lessees living outside Kashmir do not care to respond or even acknowledge the notices. The annual demand is about Rs. 8,000, and thrice this amount viz, Rs. 23,585-2-7 is in arrears. The recommendations of the Committee of 1915 appointed to revise the Rules for building sites in the State have not been carried out to this day and valuable Government property has been allowed to be encroached upon without realising anything in the shape of rent. The area encroached upon has been calculated at 1290 kanals and 4 marlas. In case of free grants no ground rent has been levied after the death of the original grantee. The Building Sites Rules of 1905 required reassessment of sites in the plotted area Srinagar after the expiry of 20 years from the date of the original grant; in not a single case has this been done. The rules of 1917 laid down that reassessment should take place at the end of 40 years, although in a number of cases more than 50 years have elapsed and ground rent has not been In some special grants short terms had been fixed for revision of rent, but nothing has been done on the expiration of the short term. Government Departments have managed to keep in possession areas

much in excess of their normal requirements. The same are likely to fetch handsome rates of rent. As required by the Rules of 1917 ground rent has not been fixed by auction in any case at all; minimum rates of rent laid down in the rules have been charged resulting in huge loss to the Government; notices required to be given to all lessees that they should accept the terms of the new rules have not been issued and lessees continue to pay the rates that were fixed 60 years ago. Formal lease agreements have not been taken. 168 applications for grant of land and 544 cases of encroachments are pending.

- 4. Having detected the above shortcomings Pandit Jia Lal Jalali has traced the causes of this hopeless state of affairs. As rightly observed by the Retrenchment Committee of 1932, the whole trouble has arisen out of want of a separate organisation to look after this valuable and paying Department that is capable of showing appreciable increase in its receipts every 10 years at least. At present the work is entrusted to the Tehsildar of Srinagar assisted by a low paid official known as the Darogha Nazool for this purpose. The Tehsildar, the Wazir-i-Wazarat and the Governor are usually busy with Revenue administration and pressing executive duties and they have all along failed to give sufficient attention to the management of Nazool property. The need for the organization of a full fledged small Department complete in itself and placed directly under the Governor of Kashmir has been clearly indicated.
- 5. At present the area of 1731 Kanals 13 Marlas only is leased out at very low rates of rent bringing in Rs. 8014-14-8 only. It has been shown in the report that an area of say 9000 Kanals is available for being leased out while the present receipts stand at about Rs. 8000; it has been estimated carefully after collecting exhaustive data that this nominal figure is capable of going as high as over two lakes of rupees.
- 6. The Governor of Kashmir has exhaustively reviewed the report of Pandit Jia Lal Koul and has endorsed his findings appreciating in forcible terms the work done by the officer. A copy of his review is enclosed. In order to set matters right he has proposed the appointment of a whole time officer with an Assistant and a small office.
- 7. The Revenue Minister is glad to note that his forecast of the need of a whole-time officer for the preliminary investigation has been justified. No officer entrusted with this work in addition to his own duties could have found time or taken pains to study the subject so well and to collect all possible information bearing on the matter. The Report which is comprehensive is a valuable record of what has not been done in the past and what is required to be done for the future. It is in fact an eyeopener inasmuch as it lays bare the unforgiveable inattention of the administration in the past to this paying Department and points out in black and white the huge loss suffered by the Government. The Revenue Minister proposes to get the report printed containing as it does most useful and detailed information and data that have to be worked up to in the future.
- 8. The Revenue Minister has read the report with interest and is convinced of the necessity of organising the Department with a whole-time officer at its head who will work directly under the Governor. Necessary proposals will be submitted after consultation with the Finance Minister. Pending sanction to these proposals the Revenue Minister proposes to appoint an officer at once to enable him to start realisation of arrears as many outside lessees are now present in Kashmir and take up the work of further measurement and mapping out which is not easy to get done in winter months.
- 9. On the points that are within the powers of the Revenue Minister he is issuing orders to the Governor of Kashmir to start

enquiries and hurry up reassessments and revision of the terms of grant. The Revenue Minister submits the following points of the Report for orders of the Government:—

- (a) Para 30—The existing measures of Karams, Purnis, Dastass etc. should be replaced by feet only. In future land shall be measured in Acres, Kanals, Marlas and feet only. One Marla is equivalent to 272 feet.
- (b) Paras 37 to 42—The various forms of registers and notices: proposed for future use may be approved. Some of the forms have already been got printed as they were wanted immediately.
- (e) Para 55—Encroachments turned into graveyards may for political reasons be left untouched, but for the future definite boundary marks should be put down and no encroachments should in any case be allowed to be made. The rest of the encroachments may be assessed at once at the new rates. The question arises from which date the fresh levy be made. No doubt it is due to the of the Revenue Department that encroachment has been allowed to be made. But no one can encroach on Stateland and if the encroachment is obvious, the undersigned recommends that the rent may be charged for at least 3 past years, where possession of an illegal character is over 3 years old. Otherwise the charge should be for the period of unauthorised occupation.

As regards reassessment and revision the new rate will come into operation from the date of order.

- (d) Departments in Srinagar holding land in excess of their normal requirements may be asked to give up the excess land for being leased out by the Revenue Department. The instance of the Srinagar Technical Institute is typical. About 1000 Kanals are held by this Institution at present whereas about 200 Kanals is considered to be more than sufficient for its ordinary requirements.
- (e) Para 63—Gharbari areas in the old Batmaloo Cantonment now transferred to the Revenue Department may be assessed to revenue as proposed and 41 cases of freegrants in which the original grantees have died or the grants used for purposes other than residential may be subjected to new rates of rent.
- (f) Para 68—The minimum rates of ground rent laid downfor grant of sites for trade purposes in 30 different zones of Srinagar City have been proposed with due regard tothe importance of each zone and the market value of land in that particular locality. These may be sanctioned with the following modifications:—

No.	Locality.			f groui narla.	nd rent
9	$oldsymbol{Z}$ ainakada $oldsymbol{I}$	•••	Rs. 5 fe	or shop	sites.
11	Habakadal	• • •	,, 5	,,	,,
15	Maisuma	•••	,, 6	,,	,,
25	Rainawari		,, 2	,,	,,
28	Nawakad 2 1		,, 2	79.	. 29-

Ground rent shall not in any case be charged at a rate lower than the rates fixed for that particular zone.

As for sites for buildings for residential purposes an uniform rate of Rs. 20 per kanal or Rs. 160 per acre has been proposed with the maximum limit of 4 kanals for one building site. The Governor, however, has proposed to reduce this rate by 10 per cent in case of the following unimportant zones.

Chattabal

Rainawari

Nauhatta

Brarnumbal

Zunimar

Vicharnagh

Nawakadal

Rampur Bagh Nandsingh and Lachmanpura.

The recommendation of the Governor may be approved with the modification that in case of outlying localities of Zunimar, Vicharnagh, Nauhatta and Rampur, Bagh Nand Singh this rate should be reduced by 20, per cent.

In case of land for industrial purposes, areas of less than one kanal may be assessed at the shop site rates mentioned above with the modification that the proposed rate will be charged for actual area under buildings and half the rate for vacant area. The cases of big industries requiring large areas such as Hadow's Carpet Factory will be considered on their merits following generally the principles adopted in Mr. Hadow's case.

(g) Para 75.—It has been proposed to charge revised reasonable rents in cases where very low rates of rents are charged at present. The Revenue Minister feels that past orders fixing such rates of rent have to be honoured. Therefore in cases of grants under the rules of 1917 in which 40 years have not yet lapsed and sites are used for declared objects, revision of rent is out of the question. Grants however that were declared for personal residential ourposes, but have been utilised permanently for trade purposes, should be subjected to new rates of rent, as in this case the grantees have acted irregularly in going against the declared purpose and have made good profits. Cases, however, in which rent has been revised on these considerations and 40 years are not over since the last revision, shall be exempted. Obviously low rates of rent were charged in consideration of personal residential requirements. In case of leases given under rules of 1905 in which no revision has taken place at the end of 20 years the rates may be increased by 50% only in cases in which sites are used for personal residential purposes. But in cases in which land has been used for different and trade purpose the rates now pro posed may be approved, if the lessees may accept the new rates. If not, they should vacate the sites without payment of any compensation. Cases of grants that were made before 1905 and were usually known as wasidari grants are simpler inasmuch as no revision of rent has ever taken place; notice of the new rates should be given and the lessees who do not accept the new rates should be required to vacate the sites immediately without any claim to compensation.

The Revenue Minister does not overlook the fact that strictly speaking at no period of revision can rent be enhanced by more than 50 % as laid down in the rules of 1905 and 1917. But he considers the above proposals justified as the sites were in 99 per cent cases given for personal residential purposes. This condition has been fulfilled in rare cases. Most of the lessees have made large profits without contributing due share to the State. The value of land has arisen from Rs. 500 per Kanal to at least Rs. 3000 per Kanal in business and important centres (Wazir Bagh, Maisuma, Kothibagh, and Maharajganj for instance) and the State has in Amirakadal and Gupkar paid fanciful rates of compensation (Rs. 80,000, per Kanal in a few cases) This is a clear proof of the demand for land. This is not all. Rates of rent paid by tenants for residential purposes and by shopkeepers have more than quadrupled during the last two decades. When therefore the lessees have been able to make money out of the lease, the State is reasonably justified in asking for a little more rent and this action is covered by rules 22 (d) of the rules of 1905 and rule 36 of the rules of 1917. Even then with due regard to past orders rent has not been proposed to be enhanced in cases where the lessees are using the sites for the bonafide declared object of personal residence.

Enhancement of rent irrespective of the limit of 50 per cent laid down in the rules in cases in which no revision has taken place for the last 50 years or more and in which sites have not been used for bonafide declared objects and have been made a source of considerable profit by being used for commercial purposes in contravention of rules may therefore be sanctioned as proposed above.

- (h) Para 84—The procedure of leasing out nazool lands may be simplified as proposed dispensing with the channels of Niabat, Tehsil, Wazarat and the Municipality.
- (i) Para 87—The Nazool Officer shall exercise the functions of a Revenue Officer in matter of infringement of rules.
- (j) Para 88—Revision of rules will be taken upon the lines suggested after the Department is organised.
- (k) Para 89—Reference of cases of permission to build by the Municipality to the Revenue Department before issuing the permission would go against the very spirit of rules for permission to build and would result in inordinate delay. The Municipality is not competent to decide title to land. The person having title to land is expected to take care of his land and to see that it is not encroached upon. It is therefore the business of the Nazool Department to watch encroachments. When the proposed Officer is appointed he may be nominated a member of the Municipality where he may mainly watch

- the issue of permission to build and the land on which the building is proposed to be built.
- (1). Para 2.—In case of sites built upon by the Public Works Department and leased out the present practice is to charge rent equal to eight per cent of the capital invested. No rent is charged for the land used. In future rent should be realised by the Public Works Department, at the rates sanctioned for the locality which should be credited to the Revenue Department.
- (m). Para 95.—As proposed the existing practice of realising Nazool arrears as arrears of land revenue should continue.
- 10. The advantage in dividing the municipal area into zones lies in the fact that we shall have a schedule of minimum rates for shop sites and for residential purposes. In every case there will be public auction of the site after reserving the minimum rent chargeable on the particular site to be auctioned. Bidding will not take the shape of offer of higher rent but of offer of premium which will represent in each case the captalised value of the difference between the market rate and the minimum rate. The advantage in this system lies in furnishing for every bit of land available for leasing out a minimum rate of rent below which no bid is to be accepted. Public auction will remove for ever the charge of leases being given at favourable rates to favourites. When land available for residential purposes or for shop purposes is limited there is full justification for charging of a premium or Nazrana which will vary with market rates for transfer of private lands as noted above.
- 11. The Revenue Minister brings to the notice of the Government the useful and intelligent work done by Pandit Jia Lal Koul Jalati, who has spared no pains in most-ring the subject, in collecting all possible information and in public out the ways and means of appreciably enhancing revenue under the Nazool Head.

The Revenue Minister submits the following points for orders:-

- 1. Foot measure to be adopted in place of Karams, purnis and Dastas.
- 2. Various forms of registers and notices.
- 3. Assessment of areas encroached upon charging 3 years rent in cases of encroachment of 3 years old and over and rent from date of encroachment when encroachment is less than 3 years old.

Revision of assessment in case of regular grants will take effect from the date of order.

- 4. Resumption of surplus land from various Departments in Srinagan for being leased out by the Revenue Department.
- 5. Assessment of Gharbari areas and of 41 free grants in the old Batmalu Cantonment.
- 6. Fixing of minimum rates of ground rent for 30 different zones of Srinagar and auction of sites for premium to be paid once only before possession is delivered.

Fixing of rates for sites leased out for Industrial purposes.

7. Revision of assessment in each of sites where revision is due as also eases in which sites have each used for purposes different from those for which sanction was originally given.

- 8. Simplification of procedure of leasing of Nazool sites.
- 9. Exercise of functions of a Revenue Officer by the Nazool Officer in matters of infringement of Rules.
- 10. Nomination of the Nazool Officer as a Member of Srinagar Municipality.
- 11. Assessment of rent on land under Public Works Department houses at the proposed minimum rates and realization of same by Public Works Department from lessees of houses along with their rent for credit to Revenue Department.
- 12. Printing of the Report.
- 13. Creation of the Nazool Department and deputation of an officer at once pending formal sanction in consultation with Finance Department.

Submitted to His Highness the Maharaja Bahadur through the Hon'ble Prime Minister for favour of commands.



V. N. MEHTA,

Revenue Minister.

OFFICE OF THE GOVERNOR OF KASHMIR.

From

THE GOVERNOR OF KASHMIR,

KASHMIR PROVINCE,

Srinagar.

To

THE HON'BLE THE REVENUE MINISTER,

HIS HIGHNESS' GOVERNMENT, JAMMU & KASHMIR,

Srinagar.

No...../C, Dated, Srinagar the 10th June 1933.

NAZOOL COMMITTEE REPORT.

Sir.

I have the honour to forward herewith a copy of my remarks on the Nazool Committee Report, a copy of which has already been supplied to you.

- 2. I had verbally explained to you that an income of about two lakks of rupees would be expected from the Government lands, and the figures worked out in the Report lend a strong support to my statement. The only thing required is to work out the details, and when that is done and the department is run on proper lines, it is not improbable that within a very short time the income from the department shall considerably increase and expectations more than justified. For the reorganisation of the department I have suggested a separate staff for a year in the first instance, and I am sure that when the proposal is sanctioned and the department is put on working basis under able control and guidance, the present deplorable state of affairs will have receded into the remote past.
- that no time be lost in giving a practical shape to the recommendations of the Committee, I should be grateful if you would very kindly communicate to me Government sanction to the proposals made by me (in the enclosed copy of my remarks). If it may take time to receive formal sanction, I would request you to kindly permit me to engage the staff required in anticipation, so that I may have the work of measurement, etc., done as early as possible. Moreover, there are a number of applications for grant of land pending in the office as also a large number of encroachment cases, and every day that passes adds to the ranks of the latter as the encroacher thinks that there is no malik of the land which to him appears to be an unclaimed property and in taking unauthorised possession of which he never loses time or lags behind.
- 4. It is a matter for consideration as to who should be appointed Officer-in-Charge of the new Land grants Department. The appointment of a man not acquainted with the department or its working would serve no useful purpose. I have thought over the matter, and am definitely of opinion that Pandit Jialal Jalali, M. A., Superintendent of your office would be the best selection. He has now been connected with the work

for the past 8 months, and has done every bit of it himself. He is responsible for the preparation of the Report, the intelligently prepared statements, and the collection of very metal material incorporated in the Report. I think, the Report owns its present existence to the diligence, knowledge, experience and extraordinary ability of Mr. Jalali. He is at present conducting the Nazoel work, and i would recommend his continuance on the appointment, at least for one year till, the department is reorganised, and all the priliminaries have been worked out and can confidently be transferred to other hands.

Pandit Jialal proved very useful to me when he was my Assistant, and I am sure he will acquit himself creditably in the discharge of the new duties.

5. I should like to give a start to the scheme forthwith, provided necessary sanction is communicated to me at a very early date.

I have the honour to be,

Sir,

Your most obedient servant,

ATTAR SINGH

Governor of Kashmirer

सन्धर्भव जयते

REMARKS ON THE REPORT OF THE COMMITTEE ON THE UTILIZATION OF GOVERNMENT LANDS IN THE CITY OF SRINAGAR.

CHAPTER I.

--:0:--

Paras 1-5—A general introductory giving the terms of reference. appointment of Merrbers of the Committee, number of meetings held, inspections made, as also general remarks about the probable income, checking the tendency of encroachments by religious institutions, etc...

CHAPTER II.

Paras 6-17.—Trace the history of Nazool in the State from the earliest times; how Nazool was in course of time replaced by the grants of land for building purposes; discuss the rules framed from time to time, and the steps taken, though without success, to reorganise the Nazool department.

It will be observed that the Report of the Committee of 1915, is now-a-days the basis for the grants of land for building purposes, but even the recommendations made 18 years ago have not so far been worked out into practice. This unsatisfactory state of affairs was also noticed by the Committee of 1931, which demanded a sum of Rs. 5,500, for one year for the preparation of necessary records, maps, and for measurement of registered and unregistered vacant plots.

CHAPTER III.

Paras 18-24—Discuss the term Nazool. The information collected from British Indian Provinces and Indian States throws sufficient light on the subject. The definition of the term Nazool may rightly be stated to follow that of the Punjab, and the analogy may be said to be complete in-as-much as the administration of the Nazool property is conducted in both places by the Revenue Department.

Section 2.—Deals with the present system of running the Nazool Department by the Darogha under the supervision of the Tahsildar of Srinagar, and dwells on the unsatisfactory state of affairs due to dilatoriness of proceedings in the subordinate Revenue offices, which has contributed to the lamentable accumulation of a large number of files, most of which are pending for over ten years past—168 files for grant of land involving 514 Kanals 3 Marlas and 9 sqr. feet and 544 encroachment files, involving 244 Kanals 19 Marlas and 240 sqr. feet. The unnecessary adjournments are stated to have been responsible for all this, resulting in a substantial loss of over 15,000 rupees to the State, as calculated in Chapter VI (vide footnote to Para 77).

CHAPTER IV.

Deals with the work done by the Committee in overhauling the registers, records, and account books of the Nazool Department.

Para 25.—The arrears and ground rent shown in the registers against Wasidars noted in statements given in Appendices. A. & B. should be written off.

As regards Mohamad Shaban Wasidar of Drugjan, who appears not to have been given possession of the land so far, I have asked the office to take early steps with a view to see that possession is given to

him early so that no loss of Government revenue may be allowed to take place any more. As for the past, the arrears shown to have accumulated, should be written off as no possession was given to him, although the area involved was even less than a Marla and it should have in no way interfered with the Drugjan and Boulevard roads at the junction of which it is situated.

Para 28—The register of grants as now prepared is approved. No distinction will now be made between special and ordinary grants, and the register will form a ledger of Wasidars in general.

As suggested grants within and outside the city of Srinagar should be entered in two separate registers.

Para 29—I agree.

Para 30—I agree that the simplified units of measurement should only be introduced.

Para 32—I have instructed the office to take immediate action in regard to the recovery of arrears of ground rent against the late Wazir Lachman by issuing proper notice and then attaching the property.

Para 33—It is really deplorable that for 17 years no notice should have been issued to the Wasidars to pay the arrears of ground rent. Their claim that they hold land in "Assam rights" is untenable, and I have informed them accordingly. Fresh codices will be issued, and if outstandings are not cleared within specified time, action shall be taken under the rules.

Para 35—The enormous amount of arrears betrays a lamentable heedlessness in the past, and emphasises the need of a separate department to wipe off this disgraceful blot. Unless Wasidars are made to realise that arrears will not be leniently dealt with, and that regular recovery of annual ground rent will have to be enforced by imposing penalty, the piling up of arrears will never come to end. For recommendations in regard to recovery my remarks against Para 95 may be referred to.

As for the Wasidars of the Cantonment area I agree with the Committee that the arrears should be the first charge on the compensation money, if any, given on resumption of plots. Each case will be dealt with on its merits. I am personally inspecting the sites and shall report on the cases shortly.

Para 36-Necessary action is being taken in the matter. It is hoped that in future no 'fabulous' amounts of compensation will be allowed as in the past.

Para 37—The recovery register has been simplified and provided with cross reference to the Cash register and vice versa. This will certainly go a long way in exercising an effective check on the amounts received and remitted into the Treasury.

The Cash register, recovery register & receipt books have been already printed, and accounts are now regularly maintained.

Para 38—The procedure is approved.

Paras 40-41—I quite endorse the observations made by the Committee. The re-settling of the city is out of the question for the present. The better way is to complete the task undertaken by the Committee, viz. that of measuring and mapping out unregistered vacant

plots to maintain an exact record of the property. This would be greatly helpful in checking and detecting encroachments

Para 42—The forms are approved, and will prove very useful. The ledger of plots will be an achievement.

Para 45-I have asked the office to take up the cases of Wasidars whose term of 40 years has expired.

The case of Messrs Ramchand Gulabsingh is being dealt with separately.

Para 46-This should never have been pointed out or corrected had not the Committee done so.

Para 47-The case of B. Jowahirlal deserves particular attention. It is really sad that there should be none responsible to look into such cases.

Para. 49—A provision to this effect should be made in the revised Rules.

Para. 50—This has been dealt with in para 61.

Para. 51—This will be attended to by the new department when reorganised.

Para 52--Agreed.

Para 53--Agreed.

CHAPTER V.

Para 54--Excepting the 2 houses which are habitable all the rest should be disposed of by auction, and the land thus vacated rented out on decent rates.

The rent of the two houses should be enhanced.

Para 56 -- The statement of Khalsa and Abadi lands prepared by the Committee works out a figure of 7150 Kanals of land, and encroachments about 1300 Kanals. Unless measures are taken to assess the encroachments early not only a heavy loss of income would result but it would become difficult to establish title to the lands encroached upon afterwards.

Para 57-I agree. This will prove a very good area for residential purposes, after the reasonable requirements of the Technical Institute are met with.

Para 58.—The Civil and Military Club grounds have been transferred to the Secretariat Club. The remaining area may well be transferred to the Land Grants Department for building purposes. If the outer Hazuribagh grounds were made available, the inner grounds would in that case be allowed to remain open and form a good park.

Para 59.—I endorse the suggestion that Government Departments may well be asked to transfer surplus vacant land in their possession to the Revenue Department, and the suggestion of the Committee that the frontage of the compound of the office of the Chief onservator of Forests and the adjoining vacant area would prove very suitable for shop sites, and would in no way interfere with the office requirements.

Para 60.--Agree.

Para 61.—The recommendations made in regard to free grants in para 62, are endorsed. Free grants or grants at very low rates of rent were made for personal services for lifetime, and not in perpetuity and

never carried the right to their successors-in-interest. All free grants abused must be assessed to ground rent as proposed.

Para 63.—Agree.

Para 64.—The figure of 9000 Kanals is susceptible of increase; and in the interest of Government revenue re-measurement of "uftada" and vacant unregistered plots is necessary.

CHAPTER VI.

- Para 67.—The Industrial and Commercial importance of the city varies in different localities, as is also clear from the statement of awards of compensation. In Amirakadal Rs. 80,000, per Kanal have been awarded as compensation.
- . Para 68.—The city has been divided into 31 compartments. The minimum rates prescribed for smaller areas are endorsed. No land will be leased out at a rate below the fixed minimum.
- Para 70.—The statement of probable receipts has been worked out with great care and labour, and does not seem to be extravagant.
- Para 71.—Residential plots should be rented out at the prescribed minimum of Rs. 80 a plot of 4 Kanals. The plots shall in any case be put to auction to secure a better rate of rent, except of course in the case of Government servants, for whom recommendations have been made in para 88. For residential plots in localities other than Gogjibagh, Batmalu, Wazirbagh, etc., the rate of rent for a plot may be 10 per cent less if circumstances warrant
- Para 72 (b).—The rate prescribed for Industrial concerns is approved. Smaller plots, less than 20 Kanals in area, will be dealt with on individual merits.
- The area granted to Me is Sukhdial Amir Chand should be assessed at the rate proposed in the Committee, and the period of revision fixed at 20 years.
- Para 73.—In future no big plots should be leased out on low rates of rent as in the past. With regard to plots already granted their resumption or enhancement of rent can be taken up either on expiry of the term of lease, or on the infringement of the conditions of the grant.
- Para 74.—Inspite of the recommendations of the Committee of 1915 there has been no appreciable increase in the assessment of ground-rent. With the introduction of new rates, enhancement is sure.
- Para 75.—The view that past grants should not be disturbed is endorsed, except of course that rent should in each and every case be revised after every 20 years of the lease, particularly when the rent levied is very low. It should be left to the discretion of the department to enhance rent in cases where suitable rents are already charged.
- Para 76.—I agree. As regards the case of B. Jawahir Lal it should be dealt with on its merits, as for the past 78 years the rent has never been revised.
- Para 77.—Encroachments should be ruthlessly treated, and the double minimum levied, discretion to be used as suggested in the Report.

Para 80.— It is but reasonable that for this vast area of 433 Kanals for which the Club is getting regular fee from golf players, rent should be charged by the Government. The Public Works Department should be addressed with a view to ascertain whether the land in question has been granted to the Club on agreement or not. The State would derive large income if the area is used for residential plots or even for Golf Links and given on a regular lease.

Para 81.—The figures of revenue calculated are a modest estimation. If the department is properly run, it is not improbable that in course of time it will prove a very valuable asset, and a decent permanent income would be assured.

CHAPTER VII.

Paras 82-86.—I fully support the view that in order to remedy the defects which are at present responsible for accumulation of heavy unrealisable arrears, for piling up of cases from year to year without a thought for the loss of Government revenue due to delay in disposal, and in the interest of the Government property in the shape of Khalsa and Abadi lands which are at present freely encroached upon, the Nazool work should no more be conducted under the nominal control of the Tahsildar but that a separate department with a responsible officer in charge The arguments put thereof should forthwith be brought into existence. forward in the Report are more than convincing, and as full attention is not devoted to this very important work, and as much independent work has to be done, the department should sever all connection with the subordinate revenue offices, and be placed under the direct control of the Governor of Kashmir, which would firstly do away with the unnecessary channels of communication down from the Niabat right up to the Wazarat, and secondly expedite the processes which are otherwise a direct cause of inordinate delay in the disposal of an application for grant of land with a consequent loss of revenue to the Government.

The Report has stressed the point that the department should as heretofore be a Revenue department, and that no local body should have any concern whatsoever with it. The department has to deal with Government Khalsa and unregistered vacant (abadi uftada) lands, which are under the control of the Revenue Department, and practically speaking there is no other property, which might be termed Nazool as in the Punjab or U. P. Even in the Punjab the Nazool is under the control of the Commissioner. So I also endorse the view that the property should as heretofore remain with under the control of the Revenue Department, and be administered by an Officer subject to the general control of the Governor, and the Municipality should have nothing to do with it.

Para 87,—(i) Agreed.

- (ii) Agree. The name proposed by the Committee is approved.
- (iii) & (iv) To run the department with an idea of deriving the maximum of advantage, I would propose the following staff for one year in the first instance.

			Monthly.		Annual.	
1,	Officer-in-charge	• • •	Rs.	-300	Rs.	3,600.
	Fixed T. A.	• • •	33	30	,,	3 60.
2.	Head Clerk (80-4-80)	***	;,	60	;,	72 0

				Monthly	A	Annual.
3 .	Record keeper and Clerk 20-1-35	General	Rs.	20	Rs.	240.
4.	One Girdawar		,,	25	"	300.
5.	Three Patwaries @ 16	each	,,	48	77	576.
6.	Seven Patwaries, for fo @ Rs. 16 each,	our months	,,	112	,,	448.
7.	Peon at (12+2)	• • •	77	14	ליו	168.
8.	Allowance to peon	•••	٠,	2	"	24.
9.	Contingencies	6'4'9	,,		,,	200.
	Tot	tal	•••		-	6036.

of this status are that if a low paid officer is appointed he will succumb to temptation, which will greatly interfere with the fulfilment of the expectations, the Report is so optimistic about; and when there is not an attractive salary the officer is sure not to put heart and soul into the work as should otherwise be expected of him. It might seem to be rather too much to ask for an establishment with an expenditure detailed above, but it must not be lost sight of that in order to derive the maximum of good and to set right the present deplorable and chaotic condition which is responsible for a substantial loss of Government revenue, it is but imperative that the department should be reorganised even though we may have to spend a few hundred rupees a month.

The fixed Travelling or Conveyance allowance of Rs. 30, per mensem, has been proposed with a view to enable the officer to inspect every locality in the city and within eight miles of its suburbs, for which no travelling allowance is granted, to supervise the conduct of out-door work etc., and unless this facility is granted, it is very difficult to expect the Officer in charge to attend to all the details. This necessity was felt keenly when the Special Officer had to conduct certain inspections, and supervise measurement work, and to engage private conveyance. In order therefore that every plot may be registered, every site demarcated, encroachments removed, the grant of a fixed conveyance allowance is necessary.

- 2. The post of Darogha Nazool will be abolished and against it the post of Head Clerk created. In addition to office work, the Head Clerk will at times attend to out-door work also. The present Darogha will be raised to this post, for with his knowledge of the work he will prove useful.
- 3. To maintain accounts, to arrange records, in short to run the office, two clerks would be required. In the first instance I want to start the work with one clerk only, and the Governor's office will assist in typing English correspondence, etc.
- 4 & 5. The out-door staff.—One Girdawar and three Patwaris must remain permanently attached to the department.

Their business will be to see that no encroachments are made, that Government property is safe; and in addition to usual demarcation of plots, sites, and preparation of maps, they will canvass, and help in creation of demand and realisation of arrears and annual ground rent. Each Patwari will be responsible for the *Halqa* (beat) allotted to him, and he will submit quarterly reports of land grants, revisions, mutations, encroachments, etc. The Girdawar in addition to the supervision work will assist in the disposal of office work.

- This staff, if possible, might be adjusted against the present staff of Patwaris in the city, but it will depend upon the amount of work that shall have to be transferred from the city Patwaris to the new department.
- 6. The seven Patwaris will be required temporarily for 4 months. They will assist the city Patwaris in their Tamils, etc., and the permanent Patwaris will attend to the work of measurement and mapping out of plots of unregistered plots and thus prepare a record of the plots of land in the possession of the department which are leased out. The work was taken up by the Committee, but as no separate staff was provided, it could not be completed. The city Patwaris will be given to understand that he who does his work well and within time will be duly rewarded.
- 7. For the officer one peon is necessary.
- 8. The present peon Sarwanand is fully conversant with the work of the department, knows the Wasidars, and actively helps in the realisation of arrears and annual ground rent. The Committee has made mention of the work done by him in the Report (para 48). He deserves to be encouraged as he will prove very useful in collection work, service of notices, etc. A small allowance of Rs. 2, per mensem would be better encouragement.
- 9. A sum of Rs. 200 has been proposed. This will in addition to the ordinary requirements of the office, meet the pay of Jarukashes that shall have to be engaged for four months for the temporary outdoor stuff.
- v.—The Officer-in-charge will conduct preliminary processes, and submit all papers for Governors' orders. He will, however, conduct correspondence with Wasidars and others, in his own name, and see to the regular recovery of rent, disposal of land, preparation of maps, etc., as for any executive action he shall obtain Governor's orders.
 - The present procedure of referring the applications for grant of land or encroachments to the subordinate revenue agency will be done away with, as the Land Grants Department will now have its own men to do the work. This will also do away with the redundant channels of communication.

Para 88.—The amendments are all approved.

In regard to rule 18 I would make the following suggestions:-

I. The concession of $12\frac{1}{2}^{0}/_{0}$ allowed in case of Government servants drawing a pay of Rs. 200 or above, if stopped, might

be substituted by the concession of ordinary courtesy, viz. —

- a. that the Government servants with a pay of Rs. 100 and above may be granted the concession of being exempted from bidding in open auction for a plot of land applied for by them for be nafide residential purposes, and given the plot in question at the minimum rate proposed in the Report. This will, however, be subject to the restriction that not more than one plot will be allowed at this concession.
- ii. But land applied for, for commercial purposes even by a Government servant shall not be exempt from auction proceedings.
- iii. The conditions of concession will however remain intact as at present.

Rule 22.—I endorse the suggestion of the Committee that the Governor should be empowered to sanction grants which should be up to four kanals. I should have suggested the officer-in-charge being also empowered to grant small shop sites, but it is too early to invest him with such powers. The present procedure of submitting all applications for grant of land should be replaced by the modification suggested, viz, that the Revenue Minister should be competent to sanction all grants, and dispose of all cases where land more than four kanals is involved, and only special grants or important cases might be referred to the Government.

The term of 20 years fixed for revision of rent has my full support; and may be made applicable with retrospective effect in case of leases where 20 years have already expired.

Para 89.—The practice may continue, as it is in the interest of Government revenue.

Para 90—The Municipality should not lease out areas for petrol pumps. The land belongs to the Revenue Department. In other words it is tantamount to dual control, which is so very inconveniencing and undesirable.

Fara 91.—No objection.

Para 92.—This is but reasonable. The Public Works Department should credit a portion of the rent recovered to the Revenue Department. In future this should form a necessary part of the rent assessed.

Para 93.—The proposal is reasonable.

Para 94.—Recovery should as provided in the rules be made in two equal half-yearly instalments. The dates as proposed in the Report are approved.

Para 95.—Agreed,

Recourse to civil suits will involve the department into unnecessary litigation.

I would, however, make one more suggestion. In order that the Wasidar may realise that unless he makes regular payments he shall have to pay a penalty for allowing the rent to fall in arrears, a clause to the effect that an interest of 12 per cent, per annum shall be charged

on all arrears or annual ground rent if not paid within the specified time.

Paras 96-98.—Proposal for issue of notices, disposal of applications for advertising plots, for auctions proceedings, etc., are approved.

General remarks.—In the end I would remark that the Report has been ably written, and the authors deserve to be congratulated on the product of their labours. The Report has chalked out a scheme, which if given a practical shape, will necessarily ensure a permanent progressive income to the Government. The Members of the Committee remained in touch with me, and whatever suggestions, and advice I could find time to offer, were received by the Members in good spirit, and several matters were discussed with me also. The Committee, as already remarked elsewhere had to run the office with practically no establishment, and the Special Officer, Pandit Jialal Koul Jalali M. A., deserves to be thanked in particular, for the very large amount of intelligent and efficient work put in by him singlehanded, with all the discomforts and inconveniences caused due to lack of funds. The Committee was originally composed of Mr. Jalali and Lala Balmokund Varma, Assistant Accounts Officer, but when the latter proceeded on leave he was succeeded by Sardar Mohamad Abdula Khan A. A. O., who in turn was relieved by the present's gnatory of the Report, Lala Ram Lal Gupta M. A., Assistant Accounts Officer. As three Officers changed places in so short a time, it may not be possible to appraise the labours of each officer involved, but on the whole all deserve to be thanked for the part played by them, particularly L. Ramlal who remained on the Committee until the completion of its deliberations.

The staff working with the Committee is reported to have shared the strain involved by the arduous nature of the duties, and I should much like to see it duly rewarded.

(b). The statements and forms of registers are intelligently prepared, and I recommend their adoption. Some of the forms—the Cash Register, the Recovery Register and Receipt books—have already been got printed.

SRINAGAR—KASHMIR, $\begin{cases} 10th & June & 1933. \end{cases}$

ATTAR SINGH,

Governor of Kashmir.



REPORT OF THE COMMITTEE

ON

Grant of Land for Building Purposes.

- There is no uniform system obtaining at present in the State for grant of land for building purposes, and the various systems which are in force are in various respects defective. Except in one case which relates to a small specified area in Srinagar and for which detailed rules exist, no definite principles are followed anywhere in recommending terms on which sites for building may be granted; the authorities which can sanction grants differ in different places; no provision is made in leases for enhancement of rent as circumstances change, so that the grants made, amount, in effect, to grants in perpetuity on the rents originally fixed; valuable lands are occasionally given away rent free, or, at low rates of rent for want of detailed rules; and there is a total lack of any settled procedure. It was strongly felt some time ago that such rules, as existed, stood in imperative need of revision, in as much as, the circumstances had considerably changed since they were first introduced: the value of land had risen considerably and suitable sites had become scarce, so that the Durbar was not adequately compensated for the lands that it had granted.
- This unsatisfactory state of affairs was brought to the notice of His Highness the Maharaja Sahib Bahadur, who His Highness the Maharaja under his order dated the 20th May 1915, was Sabib Bahanur's order. pleased to appoint a Committee of the Officers Chief Minister. Revenue Minister. noted in the margin to go into the whole case and 3. Home Minister. submit its proposals for the orders of His Highness. Judge High Court. Quarter Master General. The Committee has accordingly considered the 6. Military Secretary to whole matter carefully and thoroughly, and its His Highness. 7. Governor Kashmir. 8. President Srinagar Muviews and recommendations are embodied in this

note.

3. The Committee framed the following questions for considera-

सत्यमेव जयते

Points for Committee's congideration.

nicipality.

- (a) Do the various rules in force stand in need of revision, and if so, in what respects?
- (b) If revision is necessary, what will be the best mode of accomplishing it?
- (c) What should be the Durbar's attitude in regard to past grants made without any limits of time, and at rates of rent which may no longer be adequate now, or, remain adequate in future?
- (d) Does Rule 2 of the recent Municipality Rules for construction of buildings in the Restricted Area in Srinagar, sanctioned by His Highness the Maharaja Sahib Bahadur under his order No. 4/C-O, dated the 17th January 1915; stand in need of amendment or elucidation?
- (e) Should ordinary rules apply to State officials who require land exclusively for building private residential houses, or, are any concessions necessary in their case? If they are, how can they be most suitably provided for?

- 4. A brief account may first be given of the various rules which are in force at present in the State, and of the grants which have been made under them. The rules which at present deal with grants of land for building purposes are the following:—
 - (a) The Wasidari Rules sanctioned for the Jammu town under the State Council Resolution No. 5, dated the 25th April 1890 (Appendix A).
 - (b) His Highness the Maharaja Sahib Bahadur's order dated the 17th Jeth 1963 (Ailan No. 3) relating to the Udhampur town. (Appendix B).
 - (c) The Wasidari Rules for Srinagar sanctioned by His Highness the Maharaja Sahib Bahadur in Council on the 20th January 1904. (Hidayat of Sambat 1960). (Appendix C).
 - (d) Rules regarding construction of houses, shops and serais on the Jhelum Valley Road, sanctioned under the State Council Resolution No. 43, dated the 12th April 1901. (Appendix D).
 - (e) Rules regarding construction of buildings on village lands in the Kashmir Valley, sanctioned under the State Council Resolution No. 44, dated the 19th October 1903, (Ailan No. 12, dated the 22nd Poh 1965). (Appendix E).
 - (f) Rules for the allotment of Building Sites in Srinagar and Gulmarg, sanctioned under the State Council Resolution No. 2, dated the 16th June 1905. (Appendix F).
 - (g) The Cantonment Rules (Sections 2 and 8), sanctioned under the State Council Resolution No. 1. dated the 15th August 1901. (Appendix G).
 - (h) Ailan No. 17. dated the 14th Assuj 1971, Para. 4. (Appendix G. 1).

Before these rules were passed, there were apparently no specific rules to regulate grants of building sites in the areas to which they relate; the grants used to be made then at the pleasure of the authorities.

- 5. (i) The Wasidari Rules for Jammu permit both sale and leasing of State lands within the limits of the Municipality. Jammu Wasidari Rules. The sanction of grant in case of leases rests with the Governor, and in case of sales with the Durbar. In practice, however, the Governor has been obtaining the sanction of the Durbar even to grants on lease. The ground rent, when land is leased out, is to be fixed "according to current rates". No period for lease is prescribed, nor is there any provision for enhancement of rent, or, for resumption of grant except when any condition of the lease is broken. The lands held in occupation rent free from the time of the late Maharaja Gulab Singh are to be continued free of rent. The Wasi. dar acquires no proprietary rights in the land granted to him except perhaps in the case of a sale: the rules do not make this clear. (Appendix A.).
 - (ii) A list prepared by the Governor of Jammu shows that, since these rules were sanctioned, 57 areas altogether have been granted on the following conditions in regard to rent, no

other terms being specified :-

On ground ren	ıt at varyir	ng rates	• • • •	19
On Wasidari:	rent free		•••	28
On Nazrana (practically	sale)	•••	9
Endowed	•••	•••	***	1
		Total	•••	57

(Appendix H).

6. The order relating to the Udhampur town fixes the ground rent order relating to Udham for such State lands as are taken for building houses to be let out on hire, at the rate of Re. 1 per Marla, i. e., Rs. 160 per Acre. This is manifestly a very high rate. No rent, on the other hand, is to be charged on lands which are taken for building private residential houses.

(Appendix B).

- 7. (i) The Wasidari system for Srinagar is based merely on a form of lease which was sanctioned by His Highness the Maharaja Sahib Bahadur in Council in 1904, on the recommendation of the Revenue Minister of the time. There are no rules prescribing details. No principles are laid down for the assessment of ground rent, no term is fixed for the leases; no mention is made of the authority which can sanction grants. The Durbar's right to resume the grants is reserved, but this right can be exercised at no stage of the lease, without payment of full compensation to the Wasidar for the buildings which he may have erected on the land. The Wasidar, on the other hand, cannot mortgage, sell or give away his land without obtaining the permission of the Durbar. (Appendix C).
 - (ii) Since this form of lease was sanctioned, the following grants of land have been made, and they must be regarded as having been made under that form, in as much as no other system for grants of land has been in force generally:—

	Total]	138
On Nazrana	•••	•••	2
Free of rent	é y e	•••	9
On ground rent at	t varying rates]	127

(Appendix J).

(iii) Out of the areas granted on ground rent, no less than 111 were granted by Pandit Manmohan Nath Koul, late Governor of Kashmir on his own authority. In Kashmir the Governor never possessed the power of making grants of land for any purpose at his own discretion, and these grants, strictly regarded, were therefore invalid. A list of them was submitted to His Highness the Maharaja Sahib Bahadur by the present Revenue Minister, and His Highness was pleased to order that, although the late Governor had exceeded his authority in making the grants, they might well be

confirmed in view of the fact that they had been made by a responsible officer of high position, and that the grantees had incurred considerable expenditure in improving the lands and constructing houses on them. (His Highness' order No. 88/169, dated the 15th Bhadon 1968).

- (iv) All the 9 grants made free of rent and the 2 made on Nazrana were sanctioned by His Highness the Maharaja Sahib Bahadur. Under the State Council Resolution dated the 24th August 1896, they all apparently required the approval of the Resident in Kashmir; and under the constitution, too, the approval of the Resident in Kashmir was apparently required for all grants which were made rent free. This approval does not appear to have been taken in every Grants made on Nazrana, which amount practically to sale, are rare in Kashmir-only the two instances mentioned above have come to notice—the Nazrana system being incompatible with the land policy of the Durbar in Kash. No rules applicable to grants of land in that Province recognise grants on Nazrana; no proprietary rights in land are ever parted with; and grants on Wasidari, which term literally means holding of land for habitation, never, in their essence, carry proprietary rights with them. The Nazrana in these cases, therefore, can only be regarded as commutation of the annual ground rent into a lumpsum payment, the other conditions of a Wasidari lease remaining the same,
- In cases where rent has been fixed in Kashmir, it was fixed without reference to any uniform principle. The late Governor, Pandit Manmohan Nath Koul acted more or less arbitrarily in his time as he pleased. Since then, the practice generally adopted, has been to ascertain the rental value of the land intended to be granted either by putting the ground rent to auction, or by reference to the rents of lands held by others in the neighbourhood, This latter process is manifestly not satisfactory, as lapse of time is likely to have made some difference in the circumstances under which the rents of adjoining lands in the past may have been fixed. There has, however, been one undoubted advantage to the Durbar in the more recent grants, in as much as, they have not rested with the pleasure of the individual officer. The Governor submits his proposals to the Revenue Minister who takes the order of His Highness the Maharaja Sahib Bahadur, through the Chief Minister All the same, the lack of a uniform system for settling suitable rents is an unquestionable draw-back.
- The Rules to regulate construction of houses, shops and sarias on the Jhelum Valley Road (Appendix D) deal with that special area. They permit the Governor to sanction grants of land on ground rent after enquiry; informing the Durbar subsequently of the settlement made. The rent is to be assessed according to the circumstances of the case. An important provision in these rules is that, if a man builds on land which is in his own occupation and for which he pays revenue, such land shall ipso facto, revert to the possession of the Durbar, the revenue on it shall be remitted, and it shall be assessed to ground rent exactly as if it were an unoccupied Khalsa land. These rules too, however, make no provison as to limits of time to the currency of leases, or for enhancement of rent on future development of the country.

- 9. The Rules regarding construction of buildings on village lands in the Kashmir Valley (Appendix E), deal generally with buildings which may be needed for the requirements of the village communities. Only one clause in the rules deals with houses, which persons not connected with the agricultural community, may want to build in a village (Clause 4). Such persons are required to obtain first the sanction of the Governor through the Tahsildar, and the Governor is to finally sanction grant after assessing such rent as he considers suitable.
 - 10. (i) The Rules for the allotment of building sites in Srinagar and Gulmarg (Appendix F) are comprehensive rules framed on modern lines, and they fully safeguard the future interests of the Durber in the lands which may be leased out under them. The broad principles of these rules are, that they permit leases only for a limited period; reserve power to the Durbar to enhance rent at suitable intervals; fix rates of rent according to the quality and situation of land, put the outside limit of area to be granted for one building in Srinagar at 3 acres: and give the Durbar unlimited power to impose new terms on the expiry of the lease.
 - (ii) These rules provide that they may be applied by an order of the Durbar generally to any area or specially to any site. They have been made generally applicable to the area known as the Restricted Area, and in a few other cases grants have been made specially under them. In his Memo. No. R-1640, dated the 23rd October 1913, the Revenue Minister proposed that these rules may be made generally applicable to all areas outside the Srinagar city proper as the other rules were not satisfactory, but the proposal was not sanctioned by His Highness the Maharaja Sahib Bahadur.
 - (iii) 35 grants altogether have been made in Srinagar under these rules, and in a large majority of them the provisions of the rules have been generally followed, except, perhaps in the settlement of the class of land. In 7 cases areas in excess of 3 acres have been granted, the most remarkable of them being that of Mr. J. C. Chatterji who has secured in Sonawar a little over 12½ acres of land at the lowest rate of rent, viz., Rs. 8 per acre. In 10 cases, the condition that the building must be constructed within a prescribed period of time, has not been fulfilled by the grantees, and the sites are still lying vacant. A list of the grants made under these rules is put in as Appendix K.
 - (iv) A serious mistake has been committed by the Governor's office in connection with these grants, in so much so that in some cases no leases of any kind have been taken from the grantees, while in other leases have wrongly been taken on the Wasidari form. This has apparently been due to the fact that the framers of the rules omitted to frame at the same time the form of lease which was to be taken from the leasees in compliance with their Rule 25, and it apparently never occurred to the Governor's office until the question was raised by the Revenue Minister in October 1914, that a formal lease to meet the requirements of the Rules must necessarily be taken for every grant that is made under them. This omission must be rectified now. The Committee would suggest that a lease similar in terms to the one that the Committee is proposing in

connection with the new rules, should be sanctioned now, and it should be had executed by every grantee of a site under these rules, as if it had been so executed at the time the grant was made.

- (i) In the cantonment Rules (Appendix G), Sections 8 and 2 deal respectively with grants of sites for building Conformer & Rules. and control of land and building within the Conton-The rules relating to grants of sites are very ment limits. meagre and they lay down no details of procedure: nor do they specify whether any ground-rent is to be charged or not. The Commander-in-Chief is to decide what sites may be alloted for buildings, and the General Officer Commanding is to sanction or refuse applications for such sites. No mention is made in the rules of the terms on which grants are to be made, but the practice in force has been to get a lease from the grantee acknowledging that the Military Department can take back the land at any time it pleases. This, indeed, arises also by implication from Section 2 Paragraph 25 of the rules, which assumes the right of the Military Department to take over lands which belong even to private persons, and the compensation payable to the owner is to be determined by the Durbar on the recommendation of the Commander-in-Chief. The power of the Military Department on its own grants can manifestly be no less. The provisions of the rules relating to control over buildings and lands within the Cantonment area (Section 2 give the Military Department full powers to act as they think best.
 - (ii) The Military Department has submitted a list of the sites which have been granted within the Srinagar Cantonment area since Samvat 1960. (1903 A. D.) by His Highness the Commander-in Chief (Appendix L). They have all been granted rent free. The Military Department has not been able to state the areas of the various plots which have been so granted; no record of the area, it is stated, is maintained in the Department. The Department, in fact, is not satisfied that the same areas are held by the grantees as were originally granted to them. No check, apparently, has ever been exercised. The list consists of 31 grants made as follows to the classes of persons specified:—

Military Officers	• • •		14
Clerks in Military Offices	•••	* /14	2
Trade people	•••	• • •	nil.
Civil Officials or menials	***		7
Private persons	• • •	•••	7
State Police Lines	• • •	• • •	1
	Total	•••	31

In one case, the original grantee parted with his building by sale with the permission of His Highness the Maharaja Sahib Bahadur, and the vendee is now in possession.

There can be no doubt that these areas cannot be regarded, as indeed no areas in Kashmir can be, as having been permanently alienated. The Durbar's proprietary right in them has never been parted

with; they can, in fact, be resumed at the pleasure of the Durbar. All that has been granted is the right to occupy them until the Military Department should want to have them back.

- 12. The Ailan No. 17 dated the 14th Assuj 1971, notifies the order of His Highness the Maharaja Sahib Bahadur No. 9,470, dated the 11th November 1909. Para. 4 of the Ailan provides for grant of assessed State lands in Mirpur, not in the occupation of any body, as sites for buildings. The underlying principle is that the occupancy right in the land is to be sold to the applicant and a ground-rent is to be charged at a rate not lower than the assessed revenue.
- 13. The Committee would now take up, seriatum, the questions the committee's findings which have been enumerated in Para 3 above. From the account given above of the various rules in ferce in various places for grants of lands for buildings sites, and of the manner in which they have operated, it becomes quite clear that such of them as apply generally to the capital towns of the State, Srinagar and Jammu, are defective in the following most important respects, viz:—
 - (a) They lack uniformity of principle;
 - (b) They prescribe no period for the currency of leases, and thus leave both the Durbar and the grantees in an uncertain position as regards the future;
 - (c) They lay down no satisfactory principles for the determination of rent.
 - (d) They omit to define the rights and liabilities both of the Durbar and the grantees in regard to the areas granted; and
 - (e) They lay down no detailed procedure for the guidance of the officers concerned.

The Committee, therefore, is unanimously of opinion that a series of new comprehensive rules should be framed so as to cover the whole case of grants of building sites, in all places which may be of importance, or, which may in future become important, avoiding the defects which have been mentioned above, and safeguarding in full the future interests of the Durbar.

- 14. The Committee considers that the best mode of improving the present situation would be to frame a set of rules, complete in itself; to apply it generally to such towns as contain lands already valuable, or, likely to become so in the near future, and to make it applicable, by special order, to individual sites anywhere in the State. The Committee has accordingly framed a set of rules (Appendix M), which in its opinion fulfil the required condition:
- 15. The following are the important principles of the proposed rules:—
 - (a) In regard to term of lease, they follow the provision of the Rules for Allotment of Building Sites in Srinagar and Gulmarg, allowing the first term to be of 40 years and permitting renewals of lease for periods not exceeding 20 years at a time. They, however, deviate from those rules in so far that, while the latter give unlimited power to the Durbar to enhance rent at every renewal of a lease, the proposed rules lay down that the enhancement on such occasion shall not exceed 50 per cent of the previous rent.

The Committee thinks that the lessee should be given a fair chance to retain his land if the same is not required by the Durbar itself for some specific purpose, and an unduly large increase in rent should therefore be avoided.

- (b) As regards the rates of ground rent, the Committee tried to find some better means than auction to settle fair rates of rent in individual cases, but it failed. After considerable deliberation, it has come to the conclusion that every other system would tend to degenerate into the rates being fixed more or less arbitrarily. The auction system has a great advantage of letting every piece of land secure its own value. The Committee has therefore, adopted it as the general rule.
- It is, however, conceivable that there may not be a competition for every piece of land which is applied for or that there may be circumstances in which auction may not be likely to have fair play. To meet such contingencies, the Committee has provided in the rules special minimum rates for various places, which it believes, are suitable for the conditions of those places. The Rules for Allotment of Building Sites in Srinagar fix rates according to class of land. In the opinion of the Committee it is not always an easy matter to classify land correctly according to its quality as a site for building some land may excel others from one point of view while others may excel from another; and the fixing of rates on that principal leads generally to a tendency to place lands in a lower class than the one to which they may actually belong. The Committee has, therefore, differentiated rates according to the extent of area wanted. The principle adopted is that, if a larger area than what is necessary for a decent house is applied for, the applicant should be prepared to pay a higher rate of rent for it. सन्धमन जयत
- (d) The actual rates fixed by the Committee for Srinagar represent a proportionate increase on the rates fixed in the rules for Building Sites. It is now ten years since those rules were passed. During that period the value of land has considerably increased as building sites have become more scarce, and the risk of floods has been considerably reduced. The Committee has, therefore, discarded the lowest rate of Rs. 8 per acre altogether, and raised the other two rates of Rs. 12 and Rs. 16 by 50 per cent. For the suburbs of Srinagar, away from public roads, the two higher rates of the Rules for Building Sites have been retained; and for Jammu the two lower rates, as the demand of land in Jammu is not yet great and it is desirable to let the town develope. For other less important places it does not seem possible to fix definite minimum rates.
- (e) The area granted under the proposed rules should, in no case, the Committee thinks, exceed 3 acres for one house.
- 16. These rules in the opinion of the Committee should replace the existing Wasidari Rules both for Srinagar and Jammu and should generally apply to the towns mentioned in Rule 2, which the Committee thinks, are of sufficient importance to require them. The existing order relating to Udhampur town (Para, 6 above and

clause 4 of the Ailan No. 17 dated the 14th Assuj 1971 Para 12 above) should be cancelled. And as regards grants of land on the Jhelum Valley Road, (Council Resolution No. 43, dated the 12th April 1901. Appendix D), and in villages in the Kashmir Valley (Council Resolution No. 44 dated the 19th October 1903, Appendix E), for other than communal purposes, it should be ruled that in making them in future the principles laid down in the proposed rules should be followed generally, as far as may be practicable. The orders of the Revenue Minister should in these cases be made necessary for final settlement of the terms, as such settlement will be a matter important enough for deliberate consideration.

- 17. The present Rules for the Allotment of Building Sites in Srinagar need not, the Committee thinks, be interfered with. They may continue to apply to the area known as the Restricted Area, but in order to secure uniformity their present rates of rent should be substituted by those which have been suggested in the proposed rules, [Rule 17 (i)].
- 18. As regards grants of sites within Cantonment limits, the Committee would recommend that no grants should be made except for strictly Military purposes, and that if it is ever considered desirable to make a grant for any purpose other than Military, it should be done under the proposed rules for grant of State lands.
- 19. (i) The question as to what should be the Durbars' attitude in regard to past grants made without any Fara 3 (e1. limit of time and at rates of rent no adequate, or, not likely to remain adequate in future, was very fully considered in all its aspects, and the Committee unanimously came to the conclusion that, so far as the Wasidari Rules in Srinagar and Cantonment Rules generally are concerned, the Durbar is competent to alter, as it pleases, the terms on which the original grant was made, in as much as all the grants made under these rules were subject to the condition that they were resumable at the pleasure of the Durbar. All that the Durbar, therefore, need do, is to give notice of the new conditions to the landholders and say that the land of such of them as are not prepared to accept those conditions shall be resumed in accordance with the terms of their original grants.

The Committee would accordingly recommend that this procedure may be adopted.

- (ii). As regards the new terms, the Committee thinks that in view of the fact that the past grants were sanctioned by His Highness the Maharaja Sahib Bahadur himself, they are worthy of respect, and their holders should not therefore be altogether deprived of the advantages which they secured. The proposal of the Committee accordingly is that the following principles in regard to enhancement of rent should be adopted, and, so far as the holders of State lands outside the Cantonment limits are concerned, uniformity enforced, viz:—
- (a) Such lands as are held rent free, may, on the death of the present holders, be assessed to such rent as they would be liable to be assessed to, if they were the subject of a new grant under the rules now proposed.
- (b) Such lands as are already held on rent, may similarly

be re-assessed to rent on the expiry of 40 years from the date of the original grant.

- The Committee considers this differential treatment in the two cases justifiable on the consideration, that where rent was fixed it may be presumed that it was fixed on a fair basis having taken into account all the circumstances of the case as they existed at the time of grant. It would, therefore, not be reasonable to deprive the old grantees of the advantage which even the new rules propose to give to the new grantees.
- In both cases all the other conditions of the new rules should apply equally from the date on which a change in the rate of rent becomes due.
 - (iii) As regards State lands granted within Cantonment limits the Committee's view is that in the case of grants made to persons other than Military Officers, exactly the same principles should be applied as have been proposed for the holders of State lands elsewhere in Srinagar. Such persons, however, as held Military Office at the time of grant, appear to the Committee to be entitled to greater consideration in view of the fact that the salaries of Military Officers are generally low; that the Durbar should have had to provide suitable accommodation for them at its own cost; and that it was not easy for such officers to secure lands outside the Cantonment limits to build resifor themselves. The Committee would dential houses therefore, recommend that in their case the rent when assessed under the principles mentioned above should be assessed 50 per cent. lower than what would be assessed on lands held by non-military holders.
- The Committee is also of opinion that all such lands, so granted, as are not specially required to be retained as Cantonment lands for Military purposes, should be transferred at once to the Revenue Department to be managed by that Department as other State lands.
 - (iv) The principals mentioned above should apply to
 - (i) Every grant made under the Wasidari system in Srinagar since the Wasidari lease was sanctioned in the year A. D. 1904.
 - (ii) Every grant made under the Cantonment Rules sanctioned in A. D. 1901 in the areas in occupation of the Military Department in Jammu or Srinagar.
 - (v) As regards past grants in Jammu made under the Wasidari Rules the Committee is doubtful if any new conditions can be imposed as a general rule, as the Wasidari Rules in force there (Para 5 above), under which those grants were made, make the lands resumable only where any condition of the lease is broken. The leases, however, do not specify any detailed conditions and the holders, however, are not likely to have incurred any liability in

that respect by breaking them. 28 grants are held rent free. The Committee would advise that all the cases in Jammu may be carefully examined by the Revenue Minister who may separately submit his proposals in regard to them in view of their importance or circumstances, and in the light of what has been remarked by the Committee in The Committee bowrespect of similar cases elsewhere. ever would note that an inherent condition of these grants was that suitable buildings should be constructed on the sites granted within a reasonable time and that it should therefore, be regarded as a non-fulfilment of an essential condition of the grant, if the grantees have failed to construct and maintain buildings suitable to the sites. In such cases, the Revenue Minister, in consultation with the Governor, should be empowered to impose fresh conditions in accordance with the proposed rules, and if they are not accepted, to resume the grants.

20. The Committee considered the effect of Rule 2 of the recent Municipality Rules for the construction of buildings in the Restricted Area of Srinagar, sanctioned by His Highness the Maharaja Sahib Bahadur under his order No. 4/C-O, dated the 17th January 1915. The Rule runs as follows:—

"Every application for the construction of buildings or enclosures in the area shall be made to the Municipal Committee under the Municipal Regulation of Sambat 1970" (Appendix N.)

The opinion of the Committee is, that this rule is unexceptionable, when the land, in regard to which application has to be made under it, is already in the possession of the applicant. The applicant in that case must apply to the Municipal Board for permission to construct a house on it. But it seems possible that the rule may be misread to mean that even a person who wants to secure a plot of land from the Durbar for the purpose of constructing a house on it should apply first to the Municipal Committee to secure their permission. This would manifestly create difficulties as it would be putting the cart before the horse. The land must be secured first, before any construction on it can be contemplated, and the Committee, therefore, thinks that the intention of the rule may well be made clearer. The Governer of Kashmir represented to the Committee that the rule had been so misread in a few cases.

The Committee has also considered carefully the point while discussing the new rules for grant of State lands, whether the State Officials, too, should secure lands, required Para 3 (6). for their private residence, under those rules, or, some special concessions should be provided for them. While finding it impossible without creating difficulties of one sort or another to make any special provision for officials in the Rules, the Committee is unanimously of opinion that these rules would practically bar the lower clerks totally from acquiring any State land in either of the two capitals of the State, as it would be beyond their means either to compete for it in open auction, or to have it at the rates of rent which the Comwittee has fixed. It would indeed be difficult, the Committee believes, even for higher State officials to secure land, at any rate in Srinagar, under the new rules. The only way which the Committee can suggest for removing this drawback, is that certain areas in some suitable localities may be set apart both in Srinagar and in Jammu, from which grants may be made to State efficials on special terms.

22. It may be noted that in Srinagar, certain sites have been granted for special purposes and on special terms. They are 8 in number and have been entered in Appendix K 1. Only one of those the grant to the late Dr. Mitra, would ordinarily be treated now under the Rules for Building Sites and it should be so treated when it is built upon. The Committee is of opinion that sites required for building shops, factories, and places of business or of public utility, should continue to be treated specialy as the circumstances of each case may require.

सन्धमेव जयत

(Sd.) KHAN BAHADUR,

(Sd.) DIWAN BAHADUR,

DIWAN AMAR NATH, c. 1 E.,

CHIEF MINISTER.

SHEIKH MAKBUL HOSAIN B. A.

BARRISTER AT-LAW,
REVEN: A M NISTER.

(Sd.) RAI BAHADUR,

LALA SUKH DIAL,

JUDGE HIGH COURT.

(Sd.) GENL. DIWAN BISHEN PAS

C. I. E.

(Sd.) CHAUDHRI KHUSHI

MOHAMMAD B. A.,

GOVERNOR OF KASHMIR.

Sd.) Major ISHER DAS,

MILITARY SECRETARY.

DATED SRINAGAR,

the 28th September 1915,

(Sd.) Colonel ANANT RAM,

ADJUTANT GENERAL.

Hours MINISTER.

(Sd.) PANDIT ANAND KOUL.

PRESIDENT SRINAGAR
MUNICIPALITY.

RULES

FOR THE Allotment of Building Sites

IN

Sriuagar and Gulmarg.

(Sanctioned under Resolution No. 2, dated the 16th June 1905).

His Highness the Maharaja of Jammu and Kashmir State in Council has had for some time past under consideration a revision of the rules relating to the allotment of building sites at Srinagar, Gulmarg and Pahalgam which had been passed under Council Resolution No. 8, dated the 7th September 1901. The following revised rules are now after a carefi consideration hereby promulgated with a view to afford facilities for the erection of improved residential buildings in the town and suburbs of Srinagar and Gulmarg; Pahalgam having been omitted from the operations of the rules, it having been thought desirable not to have another sanitarium in the Valley when Gulmarg is yet capable of extension.

- 1. These rules shall be called "Rules for the allotment of building sites in Srinagar and Gulmarg Sambat 1962".
- 2. These rules shall apply only to such lands, whether waste or agricultural or occupied or used for purposes subservient to agriculture, and situated in the town of Srinagar and its suburbs, or Gulmarg, as His Highness the Maharaja in Council may, by a special or general order passed in that behalf, determine to be fit for allotment as building sites.
- 3. These rules shall be applicable only to natural born subjects of the Jammu and Kashmir State, and such other bonafide natives of India as may be considered by His Highness the Maharaja in Council to be fit and proper persons for being given the benefit of these rules.

Provided that nothing in these rules contained shall, in any manner affect the B Hut Rules sanctioned by Council Resolution No. 3 dated the 16th June 1905.

- 4. These rules shall come into force from such date as His Highness the Maharaja in Council may specify by a Notification published in the State Gazette in that behalf.
- 5. In these rules, unless a different intention appears from the subject or context:—
 - (a) Lessee means a person who has been granted permission in pursuance of these rules, to occupy land for building purposes, and shall include the lawful heirs or successors-in-interest as contemplated in these rules, of such a lessee.
 - (b) House means a house erected on the land allotted under these rules to a lessee for purposes of residence, and includes the land and buildings appurtenant to such a house.
 - (c) Building includes additions and improvements therein.
- 6. Houses built under these rules shall be of the following classes:—

FOR SRINAGAR AND ITS SUBURBS.

Class A.—Houses of which the total estimated outlay as determined by competent authority shall exceed Rs. 12,000.

- Class B.—Houses of which such outlay shall exceed Rs. 6,000 but not exceed Rs. 12,000.
- CLASS C.—Houses of which such outlay shall exceed Rs. 3,000 but not exceed Rs. 6,000.

FOR GULMARG.

- CLASS A.—Houses of which the total estimated value as determined by competent authority shall exceed hs. 3,000 but not exceed Rs. 6,000.
- CLASS B.—Houses of which the total estimated value shall exceed Rs. 1,500 but not exceed Rs. 3,000.
- CLASS C.—Houses of which the total estimated value shall not exceed Rs. 1,500.
- 7. Subject to any alterations which His Highness the Maharaja in Council may in any particular case consider necessary the area to be allotted for building houses under these rules shall be as follows:—
 - (a) For Srinagar and its suburbs —

Class A.—Not exceeding 3 acres.

Class B.—Not exceeding $2\frac{1}{2}$,,

CLASS C.—Not exceeding 2 ,

(b) For Gulmarg—

Class A.—Not exceeding 2 acres.

Class B- -Not exceeding 1½ ,

Class C. — Not exceeding 1 ,

8. Subject to such modifications as His Highness the Maharaja in Council may in special cases consider necessary or advisable as to the fixing of higher or different rates of ground-rent all lands allotted under these rules shall be ordinarily liable to the payment of ground-rent of which the rates shall in the case of Srinagar lands be of the following three classes depending on the quality, description and situation of the land selected for allotment, viz:—

1st class ... Rs. 16 per acre per annum.

2nd class ... , 12 , , , 3rd class ... , 8

ard class ... ,, 8 ,, ,,

while the rate for lands situate in Gulmarg shall be Rs.30 per acre per annum.

- 9. His Highness the Maharaja in Council may call upon the Governor acting in conjuction with the State Engineer and the Chief Medical Officer, Kashmir to submit a report in respect of any particular land available for allotment under these rules, or, which though not available may be deemed fit for such allotment. Such report shall contain such particulars as may from time to time be prescribed but shall in all cases contain a statement:—
 - (a) Of the area of the land detailed according to the different qualities thereof with particular mention of the trees

- whether fruit bearing or not which may be standing thereupon.
- (b) The land revenue if any assessed in respect of the land or other income that may be accruing in respect thereof.
- (c) The existence of any natural springs in the land or streams or water courses, flowing therein and the capacity for irrigation purposes of such streams or water courses.
- (d) The existence of any houses or other buildings standing thereupon and the value thereof.
- (c) The names of all persons who have an interest in the land or any right of easement therein together with the nature and extent and the money value of such interest ascertained with due regard to the claims as put forward by the persons interested; as also a complete plan of the land, with boundaries prepared on scale.
- (f) The willingness or otherwise of the persons having any interest in the land to accept the amount of compensation proposed in case of their being required to vacate the land or relinquish their interest therein.
- (g) The various plots into which the land is proposed to be divided having regard to the different classes of houses to be built thereupon, with a statement of reasons for such distribution.
- (h) The rate of ground rent per acre or fraction thereof which should be fixed with regard to each plot of land proposed for allotment in conformity with the provisions of rule 8 above.
- (i) Any other circumstances which may have a bearing on the value of the land proposed for allotment, or, which may affect the decision as to the allotment of any particular plot of land.
- 10. The report shall be considered by His Highness the Maharaja in council, who may either accept it, either wholly or subject to such alterations or amendments therein as may be considered necessary, or may call for additional report with respect to any points as may be deemed fit.
- 11. On the report being accepted, a notification shall issue in the State Gazette, intimating that the land is intended to be taken up for allotment under these rules, and calling upon all persons in possession thereof to vacate the land by a date to be specified on receipt of compensation as adjudged in each case.
- 12. On the expiry of the period so fixed, a notification shall issue in the *State Gazette*, declaring the land to have been allotted for building sites under these rules, and such declaration shall be conclusive proof of such allotment.
- 13. A copy of the plan as finally approved of, shall remain in the office of the Governor, and shall be open to inspection by the public who shall be permitted to obtain copies thereof on payment of such fee as may be prescribed from time to time. A duplicate copy of the plan shall be filed in the office of the Vice-President.

- 14. Application for permission to occupy a plot or plots of land as indicated in the plan referred to in Rule 12, shall be submitted to the Governor of Kashmir, in writing in the form prescribed printed on one rupee stamped paper obtainable in the office of the Governor giving the following particulars:—
 - (a) The name, parentage, caste, residence, birth place, (giving particulars as to District and Province) and occupation of the applicant.
 - (b) Whether the applicant is possessed of any immovable property in the State on the date of the application. If so, particulars of that property and the value thereof.
 - (c) The plot or plots of land specifying the number or numbers thereof as indicated in the plan maintained in the Governor's Office hereinbefore referred to, together with an extract from the plan in respect thereof.
 - (d) The purpose for which the land is asked for, and the probable amount of money which the applicant intends to lay out in the erection of the buildings.
 - (e) His willingness to pay the ground-rent as fixed in respect of the land applied for.
- 15. The Governor shall forward the application to the Vice-President of Council with his own remarks through the Revenue Member of Council which shall as soon as convenient be laid before His Highness the Maharaja in Council.
- 16. His Highness the Maharaja in Council may either accept the application wholly or in part or may reject it, and shall not be bound to assign any reason for the orders passed or may direct such further enquiry with respect to the allegations in the application as may be considered necessary.
- 17. If the application is accepted the applicant shall be informed of the order who shall be bound within a time not exceeding three months to put in a statement in the office of the Vice-President giving the following particulars:—
 - (a) Particulars of the buildings intended to be erected together with a ground plan and elevation thereof drawn to a scale of 8 feet to one inch.
 - (b) An estimate of the cost of the buildings.
 - (c) The time within which the buildings shall be completed.
- 18. His Highness the Maharaja in Council after consulting the Chief Medical Officer, Kashmir may accept the written statement as filed, or may order such alterations or amendments in the plan and design or impose such other conditions as may be deemed necessary.
- 19. On the written statement being finally accepted the title of the applicant to a lease of the land specified in his application shall be deemed to have become complete.
- 20. Leases granted in respect of lands situate in Srinagar shall ordinarily be for a period of 40 years while those for lands situate in Gulmarg shall be for a period of 15 years subject, however, to renewal at the option of the lessee on the expiry of the period as orginally fixed on

at the time be considered necessary or proper by His Highness the Maharaja in Council, provided, that the renewal of such lease shall in the case of Srinagar lands not exceed a period of 20 years while that for lands situated in Gulmarg shall not exceed a period of 10 years. Provided also that nothing in this rule shall be deemed to hinder the lessee from obtaining a further renewal of the lease for any further period if His Highness the Maharaja in Council is so disposed subject, however, to such terms and conditions as to revision of rent, period of lease or other matters as may at the time be considered necessary or proper by His Highness the Maharaja in Council.

Provided always that it shall be competent to His Highness the Maharaja in Council in case of necessity to put an end to any lease granted under these rules at any time and acquire possession of the land and all buildings erected there-on or appurtenances belonging thereto after making adequate compensation to the lessee for such acquisitions. The amount of such compensation shall be determined by the State Engineer or if the lessee so desire by the State Engineer acting in conjunction with an arbitrator to be nominated by the lessee. In case of difference of opinion between the State Engineer and such arbitrators the decision shall rest with an Umpire to be appointed by both the State Engineer and the aforesaid arbitrator. If the appointment of an Umpire cannot be agreed upon in the manner above provided, the opinion of the State Engineer and the aforesaid arbitrator shall be submitted to His Highness the Maharaja in Council and the decision of His Highness the Maharaja in Council in the matter shall be final.

- 21. On the expiry of the period of lease or in the case of lease being renewed on the expiry of the period of the renewal of the lease, His Highness the Maharaja in Council shall acquire possession of the land covered by the lease and all buildings erected thereon or appurtenances belonging thereto after making such compensation to the lease for the cost of buildings erected by him as may be determined by the State Engineer. If the lessee does not accept the compensation so determined by the State Engineer, His Highness the Maharaja in Council may require the lessee to remove the materials of house and buildings erected by him and to vacate the land within a reasonable time to be fixed after due regard to the circumstances of each case. If the order is not complied with by the lessee within the time so fixed His Highness the Maharaja in Council may enter in possession of the land and other buildings or houses that may be standing thereon at the time and all rights of the lessee for compensation for such houses or buildings, as may be so taken possession of, shall be deemed to have been finally determined and extinguished.
- 22. All leases granted under Rule 19, shall be subject to the following conditions:—
 - (a) That the lessee shall be liable to pay rent in respect of the land from the date he obtains possession thereof; such payment to be made each time in advance for six months, the first payment being made within six weeks of taking possession.
 - (b) That arrears of rent, (if any), would be recoverable from the lessee as if they were arrears of land revenue.
 - (c) That the lessee shall in addition to the ground rent be liable to pay such taxes as may from time to time be leviable under Municipal Rules and Bye-Laws or other State Regulations.

- That the lessee shall not without the permission of His (d) Highness the Maharaja in Council use the land or the buildings built thereupon for any purpose other than that specified in the original application as a permanent arrangement. Permission to use the land or buildings standing thereupon for any purpose other than that specified in the application may be given by His Highness the Maharaja in Council subject to such conditions, as to payment of rent or otherwise, as His Highness the Maharaja in Council may deem fit to impose. Any temporary use of the land or the buildings standing thereupon for a purpose other than that specified in the original application shall render the lessee liable to such enhancement of rent for the period such use is continued as His Highness the Maharaja in Council may deem fit to fix under all the circumstances of the case.
- (e) That the buildings to be erected on the land shall be in strict conformity with the plan and specification filed and that no departure therefrom or alterations or additions thereto shall be made except with the previous permission of His Highness the Maharaja in Council.
- (f) That the lessee shall commence the building of the house on the land as soon as possible; in all cases within one year from the date of occupation of the land unless such period is for sufficient reasons extended by His Highness the Maharaja in Council.
- (g) That the lessee shall complete the buildings to be erected on the land within a period not exceeding three years in case of a house under Class A, and two years in case of houses under classes B and C, from the date of the commencement thereof.
- Provided that if the lessee has by unavoidable causes been prevented from complying with the requirements of this clause, His Highness the Maharaja in Council may on the application of lessee to that effect allow such extension of the period as may be necessary.
 - (h) The lessee shall be entitled to the use of water subject to the payment of such water rate as may from time to time be fixed by the Revenue authorities of the State with the approval of His Highness the Maharaja in Council from any spring, or water course, or stream in the land comprised in the lease for household and gardening purposes to such extent as may consistently with the requirements of the State or of neighbouring lessees be determined by the Revenue authorities of the State in conformity with the rules on the subject.
 - (i) The lessee or occupier of a house shall, in case such house is situated within any Municipal limits, be bound to confirm to all the rules and bye-laws of the local Municipal Committee.
 - (i) The lessee shall be entitled with the previous sanction of His Highness the Maharaja in Council to transfer the land comprised in the lease and the buildings erected thereon subject to the provisions of these rules and the laws and regulations of the State.

Provided always that His Highness the Maharaja in Council shall have a preferential right of purchase in the case of all transfers intended to be made under the provisions of this clause paying a fair market value thereof.

- 23. The lessee shall not be entitled to make any additions or alterations in the house after the date of execution of the lease except with the permission of the Municipal Committee, if any, within the limits of which the house may be situated, and in the event of no Municipality existing, with the permission of such officer as His Highness the Maharaja in Council may specially appoint in that behalf.
- 21. That the ground rent fixed in respect of the land shall not be liable to revisior within the period of the lease unless such revision has been rendered necessary by the quality of the land having been injuriously affected by the action of water or other calamity or cause which it was not in the power of the lessee to prevent.

Provided always that in the case of a lesse for a term of 40 years it shall be competent to His Highness the Maharaja in Council to order a revision of the ground rent on the expiry of the period of 20 years from the date of such lease provided that the enhancement, if any, of the ground rent on such revision shall after making due allowances for all the circumstances of the case not exceed 50 per cent. of the ground rent originally fixed in the lease.

- 25. A duly executed lease bearing the seal of the State and the sign manual of His Highness the Maharaja containing full particulars of the land and the conditions of the grant shall be made over to the lessee and possession of the land shall be formally delivered to the lessee on his executing a counterpart of the lease.
- 26. A register of the leases executed in accordance with the provisions of this regulation shall be maintained in the office of the Governor of Kashmir, a duplicate copy being also maintained in the office of the President of the Municipal Committee of the place, if any, where the house is situated, showing the following particulars:—
 - (a) Number of the house.
 - (b) The date of the execution of the lease.
 - (c) Name, parentage, caste, residence, birth place and occupation of the lessee.
 - (d) The area of land covered by the lease and its situation.
 - (e) A brief description of the buildings erected.
 - (f) The valuation of the buildings standing on the land.
 - (g) Devolution of interest whether by succession or transfer and the date of such devolution, and in case of devolution of interest by transfer the date of order of His Highness the Maharaja in Council sanctioning such transfer: and
 - (h) Remarks.
- 27. The lessee shall be bound within two months of the completion of the buildings proposed to be erected by him on the land allotted to him to give information of the same to the Governor of Kashmir together with other particulars required to make the entries in the register

referred to in the preceding rule.

- 28. Intimation of devolution of interest in the property covered by the lease shall be given by the party concerned, within three months of the date of such devolution to the Governor of Kashmir for entries being made accordingly in the register referred to in rule 26.
- 29. Any person guilty of a breach of any of the provisions of this Regulation or of the condition of a lease shall on conviction before a Magistrate be punished with a fine which may extend upto Rs. 50 and in the case of a continuing breach with an additional fine of Rs. 10 per diem for such period as the breach is persisted in.
- 30. Penalties imposed under the provisions of this regulation shall be recoverable as arrears of land revenue.



Norm. These rules do not apply to applications for allotment of land for factories, shops and other buildings for commercial purposes which will be separately entertained and disposed of by His Highness the Maharaja in Council each on its own merits.

Aflan No. 10 dated 7th Bhadon 1976.

Rules for Grant of Lands in Jammu and Kashmir Provinces for Building Purposes.

- 1. These Rules shall be called "Rules for Grant of Lands in Jammu and Kashmir for Building Purposes"
 - 2. These rules shall apply to the following towns:—
 - (i) Jammu.
 - (a) Jammu and its neighbourhood within a radius of 5 miles from the Purani Mandi.
 - (b) Udhampur.
 - (c) Mirpur.

(ii) Kashmir.

- (a) Srinagar and its neighbourhood within a radius of 10 railes from the Shergarhi.
- (b) Baramulla.
- (c) Sopore.
- (d) Bandipur.
- (e) Anantnag.
- (f. Bijbehara.
- (g) Muzaffarabad.

And they may be extended to any other town, or area in the State by a Notification in the State Gazette, or, applied to any particular site anywhere in the State by a special order.

Provided, that, in the case of Srinagar town these rules shall not apply to the area to which the rules for Allotment of Building sites sanctioned under the late State Council Resolution No. 2, dated the 16th June 1905, have been made generally applicable.

Provided also, that, in the case of the neighbourhood of Srinagar as defined under Clause (ii) (a) above, these rules shall not apply to sites required in villages by the villagers for their agricultural or communal requirements which shall continue to be governed by Ailan No. 12, (Council Resolution No. 44, dated the 19th October 1908).

- 3. These rules shall be applicable to natural born subjects of His Highness the Maharaja Sahib Bahadur and such other bonafide natives of India as have been recognized as State subjects through service or trade or by execution of a Rayat Nama.
- 4. In these rules, unless a different intention appears from the subject or context:—
 - (a) "State Lands" includes any land which may be acquired for the purpose of grant under, and in pursuance of, these rules.
 - (b) A "Wasidar" means a person who has been granted permission in pursuance of these rules to occupy land for building purposes, and shall include the lawful heirs or successors-in-interest of such person.

- (c) "Ground Rent" means the sum payable by an occupier in lieu of the use of land leased under these rules, and includes any taxes and cesses which may be imposed on such land under proper authority.
- (d) "Building Purposes" includes additions to, alterations and improvements of, existing buildings, court-yards and compounds.
- 5. Any person intending to take a site for building purposes shall submit to the Governor a written application on eight annas Stamp paper enclosing a sketch map of the area showing the following particulars:—
 - (a) The name, parentage, caste, residence, birth place (giving particulars as to District and Province) and occupation of the applicant.
 - (b) Whether or not he is a State subject.
 - (c) Immovable property, if any, possessed by him in the State.
 - (d) Purpose for which the area is required.
 - (e) Whether he is willing to pay such ground rent as may be fixed by the Durbar.

Provided, that if an application is submitted to any other authority, it shall be transferred to the Governor of the Province concerned, and the Governor shall then treat it as if it had been presented to himself under this rule.

- 6. No application for grant of an area exceeding three acres shall be entertained.
- 7. If the application is complete in all respects, the Governor shall forward it to the Tehsildar through the Wazir-i-Wazarat for enquiry and report. The Tehsildar shall then have the area and the boundaries and other particulars given by the applicant, verified on the spot and shall report on the following points after personal inspection of the land:—
 - (a) Correct area and dimensions of the land applied for, specifying clearly all the four boundaries thereof.
 - (b) Whether the land is cultivated or uncultivated, and whether it is *Khalsa* or held by an *Assami*.
 - (c) Whether or not the land applied for is required for any State purpose or would cause any inconvenience to the Public if it is granted for the purpose stated in the application.
 - (d) Whether the land applied for is situated within or without Municipal limits and on a roadside, in a *Kucha* (Lane) or in a *Bazar*.
 - (e) Whether or not the grant, if made, will affect the proper width of the road, lane or street.
 - (f) Are there any State buildings or trees standing on the land, if so, full particulars of such buildings and trees, and the value thereof according to current market rates.
 - (g) Whether or not the applicant is willing to pay the value fixed by the Revenue Department for any building material or trees standing on the land. The applicant's statement shall be recorded to that effect.

- (h) If the land is within the Municipal limits and is a hollow, whether the applicant is willing to fill up the hollow as may be desired by the Municipal Board.
- (i) Whether the grant of the area applied for would be detrimental to any adjoining land or building.
- (j) Any other matter which should be brought to the notice of the Governor in connection with the land.
- S. If the area applied for lies within the Municipal limits, the Tehsildar shall obtain the opinion of the President Municipal Board, from the sanitary point of view. If the Municipal Board object to the land being granted, or, if the land is in the possession of another Department of the State, and such Department objects, no further action shall be taken on the application.
- 9. If the land applied for is not Khalsa and the Governor is sa tisfied that it may be granted under these rules, he may take proceedings to acquire it for the purpose of grant, under the Land Acquisition Rules in force at the time.

Provided that in addition to compensation for standing crops and other improvements, compensation for the land so acquired shall be paid to the landhold reserved to the following scale, viz:—

- (i) In the region Frent is fixed by auction, twenty times half the rent so fixed
- (ii) If the ground rent is fixed under Rule 17 below, twenty times half the maximum rate prescribed for the locality in which the land is situated.

Provided also that no land shall be acquired for grant for building purposes under these Rules if the holder of such land possesses the right of sale in it.

- 10. If the Department concerned or the Municipal Board has no objection, and the Governor is satisfied that the land applied for may be granted, or, if the land is not *Khalsa* when it has been acquired under Rule 9 above, the Governor shall direct that the same may be put to auction for ground rent, and may direct a Revenue Officer to proceed with the auction.
- 11. The Revenue Officer shall then fix a date for the auction, and shall notify it in the manner prescribed in the rules for issue of notices for the time being in force. The auction shall be conducted by the Revenue Officer personally on the date thus fixed, which shall not be less than six weeks after the issue of the notice.
- 12. The auction shall be open for three days, and at its close, the officer conducting the auction shall, if below the rank of a Wazir-i-Wazarat, submit the papers of the case to the Wazir-i-Wazarat with his remarks.
- 13. The Wazir-i Wazarat, on receiving the report of the officer who has conducted the auction, or, when he has himself conducted the auction, on completing the auction, shall send up the case to the Governor with his own remarks.
- 14. No bid shall in any case be entertained after the close of the auction Provided, that the Governor or the Revenue Minister, if either officer thinks, that the highest bid offered is unduly low, or that there was material irregularity in the

auction procedure, may after recording his reasons, direct that the land be re-auctioned for ground rent. Provided also, that no re-auction shall be ordered after the Revenue Minister has made his recommendation for the grant of the land.

- 15. The Governor, if he is satisfied that the land may be leased on the proposed rent, shall send up the papers to the Revenue Minister who shall if he agrees that the land may be leased at the rent proposed, submit them to His Highness the Maharaja Sahib Bahadur for sanction.
- 16. If the Governor is satisfied that grant of the land applied for, to the applicant or the highest bidder would be detrimental to an adjoining area or building, he may make such recommendation in regard to the grant as would prevent loss to the Durbar, or harm to a third person, and in so doing may, if he thinks fit, recommend another rate for ground rent than that which the highest bidder in auction may have offered.
- 17. If there is no competition for the land applied for, or, if the Governor is of opinion that the land auctioned is of higher rental value than the highest bid offered, he may recommend a rate of ground rent which shall not be lower than the following rates, viz:—
 - (i) For Srinagar, within Municipal limits or within a quarter of a mile of a public road within the area prescribed under Rule 2 (ii) (a):—
 - (a) If the land applied for is not more than one acre and a half, Rs. 18 per acre per annum.
 - (b) If the land applied for is more than an acre and a half but not more than three acres, Rs. 24 per acre per annum.
 - (ii) For suburbs of Srinagar other than the area provided for in clause (i) of this Rule:—
 - (a) If the land applied for is not more than one acre and a half, Rs. 12 per acre per annum.
 - (b) If the land applied for is more than an acre and a half, but not more than three acres, Rs. 16 per acre per annum.
 - (iii) For Jammu:
 - (a) If the land applied for is not more than one acre and a half, Rs. 5 per acre per annum.
 - (b) If the land applied for is more than an acre and a half, but not more than three acres, Rs. 8 per acre per annum.
 - (iv) For other towns:—
 - Such rate as the Governor may consider fair on the merits of the case, provided that it shall be no lower than the existing Revenue demand if the land is assessed to revenue.
- 18. If the applicant of a site for building a house is a State official the maximum pay of whose appointment is not less than Rs. 200 per mensem, and his object is to build on the site a house for his own residence, such site may not be put to auction, but may be granted to him at a ground rent $12\frac{1}{2}$ per cent lower than the scale fixed in Rule 17.

Provided that if the Site has to be acquired under Rule 9, the concessions mentioned above shall not be allowed, and the usual procedure shall be followed.

Provided also that the reduced scale of ground rent shall be operative only during the life time of such State official, subject to the condition that it shall cease and rent at full rate due under the Rules shall be charged on the resignation, dismissal or death of such State official, or if he transfers or rents the building.

- 19. Leases under these rules shall ordinarily be granted for a period of 40 years. It shall, however, be open to the Wasidar to apply for the renewal of his lease. A renewal of lease, if granted, shall be subject to the following conditions:—
 - (1) No renewal shall be for a period of more than 20 years.
 - (ii) At no renewal shall the ground rent fixed exceed 50 percent in excess of the rent for the term next preceding.
- 20. After the issue of a notice under Rule 11 of these rules, any person having an objection on the strength of any right, shall be entitled, within 30 days of the issue of the notice, to submit a written application on eight annas Stamp paper to the Tehsildar. No objections shall be considered after the lapse of that period.
- 21. If an application is submitted under Rule 19 above, it shall be duly considered and mentioned in the report, and it shall also be fully explained whether or not the objections are valid. The Governor shall consider and decide such objections, when he considers whether or not he shall recommend grant of the land for sanction.
- 22. On receipt of sanction of His Highness the Maharaja Sahib Bahadur to the leasing of the land, necessary intimation shall be given to the Wasidar, and the file shall be sent to the Tehsil office for necessary action after making proper entries in the ground rent register which shall be maintained in the offices of the Governor and the Wazir-Wazarat. A similar register shall be kept in the Tehsil office also.
- 23. A duly executed Wasidari lease in the form appended to these rules shall be obtained from the lessee on an eight annas Stamp paper. This lease shall be prepared in duplicate, one copy to be kept on the file of the case and the other to be made over as Sanad to the lessee.
- 24. After proper entries have been made in the Tehsil record, the Patwari concerned shall submit a duly entered mutation for attestation by the Revenue officer. "Surat Sabik" shall be entered as recorded in the existing papers and under "Surat Hal" the word "Khalsa" shall be noted in the column for "assami" and the name of the Wasidar in the column for 'Kasht'.

In the Jamabandi Register, the column for "Malía" shall be left blank, and in the column for "Lagan" ground rent shall be entered.

25. If a land is leased under these rules for the construction of a residential house or a shop, or if such a house or shop is built upon a land leased under these rules and such houses or shop falls down, or is destroyed, the Wasidar, shall build, or rebuild, as the

case may be, such house or shop within three years of the granting of the lease, or of the falling down or destruction of such house or shop. If the Wasidar omits to build or rebuild within the period fixed above, the land shall be liable to resumption, and in case of resumption, the Wasidar shall not be entitled to any compensation for improvements.

- Should a land granted under these Rules be required by the Durbar for any State purpose at any time during the currency of the lease, the Durbar shall be competent to acquire possession of the land and all buildings erected thereon or appurtenances belonging thereto after making adequate compensation to the wasidar for such buildings and appurtenances and also for such other improvements as may have been effected on the land by the wasidar. The amount of such compensation shall be determined by the State Engineer, or, if the Wasidar so desires, by the State Engineer acting in conjunction with an arbitrator to be mominated by the Wasidar. In case of difference of opinion between the State Engineer and such arbitrator, the decision shall rest with an Umpire to be appointed by both the State Engineer and the aforesaid arbitrator. If the appointment of an Umpire can not be agreed upon in the manner above provided, the opinion of the State Engineer and the aforesaid arbitrator shall be submitted to His Highness the Maharaja Sahib Bahadur, and the decision of His Highness in the matter shall be final.
- 27. If on the expiry of the original or a renewed term of the lease, no further renewal is granted, the Wasidar shall be entitled to such compensation for the buildings standing on the land as may be assessed by the State Engineer, and on payment of such compensation all such buildings shall become the property of the Durbar.
- 28. The applicant shall be at liberty to abandon the area applied for before sanction to its grant is accorded. Reasons for such abandonment need not be enquired into. But if the applicant's action in any way causes inconvenience or loss to anybody he shall be liable to such fine not exceeding Rs. 50 as the Wazir-Wazarat may determine. The orders of the Wazir-Wazarat shall be subject to appeal to the Governor whose orders shall be final.
- 29. No land shall be abandoned after sanction has been accorded to its grant on lease without acceptance in writing of the authority which sanctioned the grant. In case of such abandonment, the Wasdar shall be liable to pay, in addition to the arrears of ground rent which may have accrued, one whole year's further ground rent as fine, and shall also be liable to such damages as the Governor may assess if he has in any way damaged the land.
- 30. The ground-rent shall continue to accrue until abandonment is accepted, and it shall be remitted after the sanction.
- 31. The Durbar shall not be responsible for payment of any compensation for any improvement made, or buildings erected on the land which has been abandoned. In the case of a building, however, the grantee shall be entitled to remove his materials from the land. Provided that, if such materials are not removed within a fortnight of the date of acceptance of abandonment, the Tehsildar may have such materials auctioned, and after deducting the costs, pay the balance to the owner.
- 32. The ground-rent for lands leased under these rules shall become due from the date of possession of land and shall be paid

by equal half-yearly instalments on the last day of April and the last day of October in each year at the Tehsil office.

- 33. The Wastdar shall in addition to the ground-rent be liable to pay such taxes and cesses as may from time to time be leviable under Municipal Rules and Bye-Laws (if the land leased under the rules lies within Municipal limits) or other State Regulations.
- 34. All arrears of ground-rent and all fines imposed under these rules shall be recoverable as arrears of Land Revenue.
- 35. No Wasidar shall mortgage, sell or in any other way transfer the land leased to him under these Rules, or the building erected on such land, except with the permission of His Highness the Maharaja Sahib Bahadur obtained through the Governor. All transactions entered into by the Wasidar without such permission shall be void, and no court shall take cognisance of them. Provided always, that the Durbar shall have a preferential right of purchase in the case of all transfers intended to be made under the provision of this clause paying a fair market value thereof.
- 36. The Wasidar shall not, without the permission of His Highness the Maharaja Sahib Bahadur, use the land under these rules or the buildings built thereupon for any purpose other than that specified in the lease as a temporary or permanent arrangement. Permission to use the land or buildings standing thereupon for any purpose other than that specified in the lease, may be given by the authority which sanctioned the grant, subject to such conditions as to payment of rent or otherwise as may be deemed fit to impose temporarily or permanently according to circumstances of the case.
- 37. The Wasidar shall be bound to conform to all the rules and bye-laws of the Municipal Committees in case his building is situated within any Municipal limit.
- 38. The Wasidar shall not exceed the limits of the area granted to him under these Rules, except with the written permission, obtained through the Governor, of the authority which sanctioned the original grant.
- 39. The Wasidar shall be bound to abide by all the provisions of these Rules. For every infringement of the Rules, he shall be liable, under the orders of the Governor, to a fine not exceeding Rs. 50.
- 40. Any person, who builds upon, or occupies, a State land without proper sanction under these Rules, or a Wasiaar who encroaches upon a State land which has not been granted to him, shall be liable under the orders of the Governor to a fine not exceeding Rs. 100 and to summary ejectment from such land.
- 41. Any person liable to punishment under Rule 40 above shall not be entitled to any compensation for any buildings which he may have erected, or any improvements which he may have effected upon the land. Provided, that the Governor may, if he thinks fit, permit such person to remove his materials from the land.
- 42. Any useless materials found lying on the State land to which Rule 40 applies, shall be removed by order of the Governor, and the cost of such removal shall be recovered from the person liable to punishment under Rule 39 in addition to the fine that may be imposed under that Rule.

- 43. On the death of a Wasidar or, on sanction being given to transfer of a land held by the Wasidar under these Rules, such land shall be transferred to his heirs, or, transferee as the case may be, by proper mutation attested by a Revenue Officer under the ordinary Mutation Rules.
- 44. These Rules shall come into force from such date as may be fixed by His Highness the Maharaja Sahib Bahadur by a Notification in the State Gazette, and shall cancell the following Rules on the subject:
 - (a) Wasidari Rules sanctioned for Jammu under the late State Council Resolution No. 5, dated the 25th April 1890.
 - (b) His Highness the Maharaja Sahib Bahadur's order dated the 17th Jeth 1963 (Allan No. 3) relating to Udhampur town.
 - (c) Wasidari Rules for Srinagar sanctioned under the late State Council Order dated the 20th January 1904 (Hidayat of Sambat 1960).
 - (d) Rules regarding construction of shops and buildings on Jhelum Valley Road (sanctioned under State Council Resolution No. 43 dated the 12th April 1901) to such extent as the new rules may be applicable to lands on the Jhelum Valley Road.
 - (e) Para 4 of the Allan No. 17 dated the 14th Assuj 1971.



Lease executed under the Rules for grant of lands in Jammu and Kashmir for Building purposes, sanctioned under the order of His Highness the Maharaja Sahib Bahadur No
I. Ison ofresident ofvoluntarily and in the full possession of my senses do hereby tender a Wasıdarı Lease in favour of the Kashmir Durbar for the land described below of which I have obtained the possession:—
Land situated in
Area
Boundaries:—
North
East
South
West
II. I have obtained this land for the purpose of
III. I have also obtained a copy of the rules under which the land described above has been granted to me and I do hereby declare that I have thoroughly understood every provision of these rules, and that I do bind myself to abide, and be governed, by those provisions in every detail.
Signed in the presence of
(Signature and address of the Wasudar).
Witness.
Signature of Revenue Officer before whom the lease is executed.
Dated
P. P., Srinagar—1991—200.

Correction slip to building sites Rules.

1. Rule 3. Read for the present rule:—

These rules shall be applicable to State subjects with in the sense of the sanctioned definition of the term 'State subject'.

- 2. Rule 5. Change annas eight to one rupee.
- 3. Rule 6. Add-

Not more than one plot shall be alloted to one family.

4. Rule 9. Omit the following proviso 2.—

Provided also * * * the right of sale in it.

5. Rule 18. Omit the present text and substitute the following:—

Grants for commercial and residential purposes, building shops, factories, places of business and of public utility shall also be governed by the conditions embodied in these Rules. Ground rent in such cases shall be assessed on the merits of each case.

6. Rule, 22. Add—

In cases where ground rent is determined by public auction the lease can be sanctioned by the Revenue Minister.

7. Section 35. Add—

Transfer of Wasidari land from one lessee to another can be sanctioned by the Revenue Minister.

Note:—The above modifications are in addition to the special rates of reat and procedure for Nazool work sanctioned recently for Srinagar vide Notification No. R-18 of 1989-90.

सन्धमव जयत

His Highness' Government, Jammu & Kashmir, Revenue Secretariat.

Notification—No. R 17 of 1989-90.

His Highness' Government have (vide Hon'ble Prime Minister's endorsement No. G. B. 1507, dated the 23rd August 1933) been pleased to accord sanction to revised rules for leasing out of land for residential and shop sites at Pahalgam and Gulmarg.

The Rules are being published separately.

Srinagar,

(Sd.) V. N. Mehta,

The 18th September 1933.

Revenue Minister.



Rules for grant of land at Gulmarg and Pahalgam in Kashmir for building purposes.

- 1. These Rules shall be called "Rules for grant of land at Gulmarg and Pahalgam in Kashmir for building purposes".
 - 2. These Rules shall apply to the following places:—
 - (i) Gulmarg within a radius of 2 miles from the Post Office including Tangmarg.
 - (ii) Panalgam within a radius of one mile from Tehsil office.

These limits may be extended by a Notification in the Government Gazette when necessary.

- 3. These rules shall be applicable to hereditary State subjects of His Highness the Maharaja Bahadur and such other outside respectable gentlemen who have obtained proper *ijazatnama*.
- 4. In these rules, unless a different intention appears from the subject or context:—
 - (a) A "Wasidar" means a person who has been granted permission in persuance of these rules to occupy land for building purposes, and shall include the lawful heirs or successors in-interest of such person.
 - (b) "Ground Rent" means the sum payable by an occupier in lieu of the use of land leased under these rules, and includes any taxes and cesses which may be imposed on such land under proper authority.
 - (c) "Building Purposes" includes building of shops, additions to, alterations and improvements of existing buildings, court yards and compounds.
 - (d) "Nazrana" means the premium payable at the time of grant before land is occupied.
 - 5. Sites shall be allotted on the following conditions:—
 - 1) Payment of appropriate premium that will be fixed by auction—valuation of site.
 - (2) Payment of annual minimum ground rent fixed in Rule 18.
 - (3) The hut to be constructed in accordance with the plan approved by the Divisional Engineer.
 - 6. 1. No application for grant of an area exceeding one acre and a half shall ordinarily be entertained, but physical features may necessitate a larger area.
 - (2) Ordinarily not more than one residential site or two contiguous shop sites shall be allotted to one family.
 - (3) Not more than one house including out houses kitchen etc shall be built on one site.

7. The Chief Engineer, Roads and Buildings shall have a list and plan of all available sites A, B or C at Gulmarg prepared and approved by the Public Works Minister. All sites, leases of which have expired, shall be treated as lapsed to the Government and available for grant under these rules. A separate list and plan of Bazar sites shall be prepared.

Similarly a list and plan of sites at Pahalgam shall be prepared where seasonal temporary leases only are allowed and all sites are available for grant.

- 8. Lessees of C sites in Gulmarg shall on expiry of their present lease be given the option of accepting the provisions of these rules or abandoning the sites and removing the material of the structures standing thereon. B sites shall in accordance with the terms of their lease lapse to the Government along with the houses built by the lessees.
- 9. Any person intending to take a site for building purposes shall submit to the Governor a written application on one Rupee stamp paper enclosing a sketch map of the area showing the following particulars:—
 - (a) The name, parentage, caste, residence, birth place (giving particulars as to District and Province), and occupation of the applicant.
 - (b) Whether or not he is a hereditary state subject if not, whether he has obtained a proper Ijazatnama.
 - (c) Immovable property, if any, possessed by him in the State.
 - (d) Purpose for which the area is required.
 - (e) Whether he accepts the conditions laid down in 5 above.
 - Provided, that if an application is submitted to any other authority, it shall be transferred to the Governor, of the Province concerned and the Governor shall then treat it as if it had been presented to himself under this rule.
- 10. If the application is complete in all respects the Governor hall forward it to the Tehsildar through the Wazir-i-Wazarat for enquiry and report. The Tehsildar shall then have the area and the boundaries and other particulars given by the applicant, verified on the spot and shall report on the following points after personal inspection of the land:—
 - (a) Correct area and dimensions of the land applied for specifying clearly all the four boundaries thereof.
 - (b) Whether or not the land applied for is required for any State purpose or would cause any inconvenience to the public if it is granted for the purpose stated in the application.
 - (c) Whether or not the grant if made, will affect the proper width of the road, lane or street.
 - (i) Are there any State buildings or trees standing on the land, if so, full particulars of such buildings and trees, and the value thereof according to current market rates.
 - e) Whether or not the applicant is willing to pay the value

fixed by the Public Works Department for any buildings and by the Revenue Department for any building material or trees standing on the land. The applicant's statements shall be recorded to that effect.

- (f) If the land is within the Town Area limits and is a hollow, whether the applicant is willing to fill up the hollow as may be desired by the Board.
- (g) Whether the grant of the area applied for would be deterimental to any adjoining land or building.
- h) Any other matter which should be brought to the notice of the Governor in connection with the land.
- 11. The Tehsildar shall obtain the opinion of the Town Area Board. If the Board object to the land being granted or if the land is in the possession of another Department of the State, and such Department objects, no further action shall be taken on the application.
- 12. If the Department concerned or the Board has no objection the land applied for may be put to auction for Nazrana (Premium) by the Tehsildar or an Officer of a higher status.
- 13. The Revenue Officer shall then fix a date for the auction and shall notify it in the manner prescribed in the rules for issue of notices for the time being in force. The auction shall be conducted by the Revenue Officer personally on the date thus fixed which shall not be less than two weeks after the issue of the notice.
- 14. The auction shall be open for three days and at its close the Tehsildar shall submit the papers of the case to the Wazir Wazarat with his remarks.
- 15. The Wazir Wazarat, on receiving the report of the officer who has conducted the auction or, when he has himself conducted the auction on completing the auction, shall send up the case to the Govern, or with his own remarks.
- 16. The auction shall not be considered closed until the last bid offered has been sanctioned by competent authority. No bid shall be entertained after the close of the auction by the auctioning officer on the spot and before the date of sanction unless it exceeds the last bid by 25 per cent.
- 17. The Governor, if he is satisfied that the land may be leased on the proposed rent, shall send up the papers to the Revenue Minister who shall, if he agrees that the land may be leased at the fixed rent and proposed premium submit them to His Highness the Maharaja Bahadur for sanction, if the site is given for building a residential house. Sites in the Bazar area for shops shall be sanctioned by the Revenue Minister, provided the layout and the plan has been sanctioned by the Government.
- 18. The following shall be the fixed minimum rates of ground rent; *Nazrana* will be charged at the following minimum rates in cases in which a lower bid is offered at the auction.
 - dulmarg I. Nazrana-Rs. 480 per acre or Rs. 3 per marla.
 - II. Ground Rent.
 - (a) Residential houses Rs. 100 per acre per annum.

- (b) For shops in Bazar area Rs. 10 per marla per annum.
- (c) For business concerns outside Bazar area Rs. 5 per marla per annum.

The rates for Pahalgam shall be 20 per cent lower than those Pahalgam. fixed for Gulmarg.

- 19. Temporary sites for camping purposes at the rate of Rs. 5 permensem for one site sufficient for a tent and a chouldari and temporary stables etc. shall be available in the area reserved for camping purposes. Such sites shall be marked and allotted in the order of priority of application. Temporary stables and structures may be put up by the tenant at his cost.
- 20. Leases under these Rules shall ordinarily be granted for a period of 40 years. It shall, however, be open to the Wasidar to apply for a renewal of his lease. A renewal of lease, if granted, shall be subject to the following conditions:—
 - (i) No renewal shall be for a period of more than 20 years.
 - (n) At each renewal the ground rent shall be raised, but it shall not exceed 50 per cent of the rent for the term next preceding.
- 21. After the issue of notice under Rule 13 of these rules, any person having an objection shall be entitled within 10 days of the issue of the notice, to submit a written application on one rupee stamp paper to the Tehsildar. No objections shall be considered after the lapse of that period.
- 22. If an application is submitted under rule 2! above it shall be duly considered and mentioned in the report, and it shall also be fully explained whether or not the objections are valid. The Governor shall consider and decide such objections, when he considers whether or not he shall recommend grant of the land for sanction.
- 23. On receipt of sanction of the competent authority to the leasing of the land, necessary intimation shall be given to the Wasidar, and the file shall be sent to the Tehsil office for necessary action after making proper entries in the ground rent register which shall be maintained in the offices of the Governor and the Wazir-i-Wazarat. A similar register shall be kep in the Tehsil office also.
- 24. A duly executed and stamped Wasidari lease in the form appended, and registered when registration is necessary, shall be obtained from the lessee.
- 25. After proper entries have been made in the Tehsil Record the Patwari concerned shall submit a duly entered mutation for attestation by the Revenue Officer "Surat Stick" shall be entered as recorded in the existing papers and under "Surat-hal" the word "Khalsa" shall be noted in the column for assami and the name of the Wasidar in the column for "Kasht".

In the Jamabandi Register, the column for "Malia" shall be left blank, and in the column for "Lagan" ground rent shall be entered.

- 26. The applicant shall be at liberty to abandon the area applied for in writing on one rupee stamp paper before sanction to its grant is accorded. Reasons for such abandonment need not be enquired into.
- 27. No land shall be abandoned after sanction has been accorded to its grant on lease without acceptance in writing of the Revenue Minister. In case of such abandonment, the Wasidar shall be liable to pay all the arrears of ground-rent which may have accrued and any fine that may be imposed upon him in case land is abandoned before taking over possession.
- 28. The ground rent shall continue to accrue until abandonment is accepted, and shall be remitted after the sanction.
- 29. The ground-rent for lands leased under these rules shall become due from the date of possession of land and shall be paid by two equal instalments on the 15th day of May and the 15th day of October in each year at the Tehsil Office.
- 30. The Wasidar shall in addition to the ground rent be liable to pay such taxes and cesses as may from time to time be leviable under Town Area Rule and Bye-laws.
- 31. All arrears of ground rent and all fines imposed under these rules shall be recoverable as arrears of land revenue.
- 32. No Wasidar shall mortgage, sell or in any other way transfer the land leased to him under these rules, or the building erected on such land, except with the sanction of the Revenue Minister. All transactions entered into by the Wasidar without such sanction shall be void, and no court shall take cognisance of them.
- 33. Residential houses or shops shall be built with the approval of the Town Area Committees. These Committees shall have the senior Public Works Officer stationed at Gulmarg or Pahalgam on the roll of its members, and shall follow so far as Bazar area goes, the sanctioned plan reserving accommodation for contractors, dyers, butchers, water-tanks, latrines etc.
- 34. The Wasidar shall be bound to conform to all the rules and bye-laws of the Town Area Committee.
- 35. The Wasidar shall not exceed the limits of the area granted to him under these Rules, except with the written permission of the authority which sanctioned the original grant.
- 36. The Wasidar shall be bound to abide by all the provisions of these Rules, for every infringement of the Rules, he shall be liable, under the orders of the Governor, to a fine, not exceeding Rs. 50.
- 37. Any person, who builds upon, or occupies a State land without proper sanction under these Rules or a Wasidar who encroaches upon State land which has not been granted to him, shall be liable under the orders of the Governor to a fine not exceeding Rs. 100 and to summary ejectment from such land.
- 38. On the death of a Wasidar or, on sanction being given to transfer of a land held by the Wasidar under these Rules, such land shall be transferred to his heirs or transferree, as the case may be, by proper mutation attested by a Revenue Officer under the ordinary Mutation Rules.

39. All A & B Hut Sites and Dhobi Ghat Sites and Tangmarg garages shall continue to be managed by Public Works Department under the existing rules till these are disposed of under the New Rules.

The Forest property shall continue to be controlled by the Forest Department in accordance with existing rules.

The Town Area Committees shall make proper arrangements for keeping the area in good sanitary condition.

40. These Rules shall come into force from such date as may be fixed by His Highness the Maharaja Bahadur by a Notification in the State Gazette, and shall cancel the existing A. B. C. & Shop Sites Rules.



	executed under the Rules for grant of lands in Gult Pak purposes, sanctioned under the order of His Highnes	algam.
Maharaja P	Bahadur Nodated	93 .
	:-0-:	
T. I	son of	
resident of _ of my senses	voluntarily and in the full posses do hereby tender a wasidari Lease in favour of the Kasthe land described below of which I have obt	ession shmir
	Land situated in	
	Area	
Bound	daries :—	•
	North	
	East	
	South	
and at Rs. lease is III. the land declare tha rules, and	have obtained this land for the purpose of as the annual ground-rent. The term years. I have also obtained a copy of the rules under escribed above has been granted to me, and I do he t I have thoroughly understood every provision of that I do bind myself to abide, and be governe sions in every detail. Signed in the presence of (Signature and address of the way)	which ereby these d, by
Witness		
Witness		
the lease i	Signature of Revenue Officer before s executed.	whom
Dated_	the	193

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

REVENUE SECRETARIAT.

R: D 126/1993.—Modifications to the recommendations of the Building Site Committee Report of 1915 sanctioned by Government (vide His Highness' Order No. 192 dated the 8th May 1917) but not incorporated in the printed report.

- 1. Para. 19 (ii) of Building Site Committee's Report of 1915.
 - (a) In the case of past grants made rent free, rent shall be charged at the new rates on the expiry of 10 years from the date of the original grant or on the death of the holder if earlier.
 - (b) In the case of indefinite grants assessed to rent, revised rates shall be enforced on the expiry of 10 years from the date of the original grant.
 - 2. Para. 19 (iii).—

The reduction in the rate of rent by 50 per cent. in favour of old grants within Cantonment Limits made in favour of Military Officers shall apply to the heirs of the grantees only if they are on active list.

सन्यमेव जयत

(Sd.) ANANT RAM,

R. G. P. J .-- 11-7-93-200.

REVENUE MINISTER.